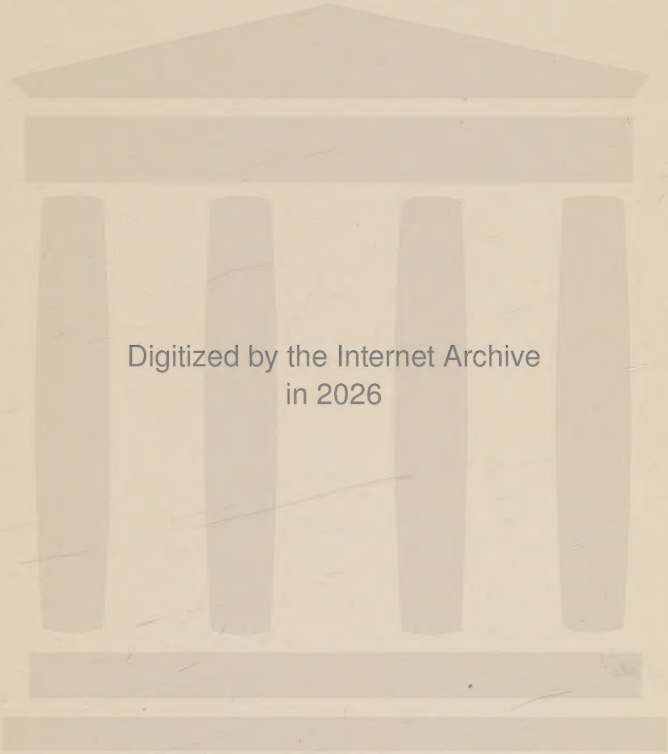
UP FROM THE CITY STREETS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GOVERNOR ALFRED E. SMITH

UP FROM THE CITY STREETS: *Alfred E. Smith*

A Biographical Study in Contemporary Politics

By

NORMAN HAPGOOD

AND

HENRY MOSKOWITZ

ILLUSTRATED

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Published, November, 1927
Second printing, November, 1927
Third printing, January, 1928
Fourth printing, March, 1928

PRINTED IN THE U. S. A. BY
QUINN & BODEN COMPANY, INC.
RAHWAY, N. J.

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UP FROM THE CITY STREETS

Chapter I

HOW A TWIG WAS BENT

This book is the story of a boy who grew up in a region where Tammany Hall was supreme. The Fourth Ward and the parish of St. James in which he lived were surrounded by poverty and vice in terrible forms. Ability, character, and some fortunate influences have made his life one of unbroken triumph, and that triumph has been based on solutions of the hardest problems in modern politics. He is the first of our national heroes to be born amidst din and squalor. His story suggests that in the future our vast cities may do better by humanity than we have feared. It is possible that their evils may be reduced, and that their sons may show not less energy, persistence, and initiative than have come heretofore from the silences and the long labor of the ax and plow.

Life on the East Side of New York when Alfred Smith was born was an even fiercer struggle for existence than it is now. The standard of living was lower, the signs of brightness and hope were less. As we look closely into the environment, however, we shall find many elements tending to favor activity, independence, quickness of mind, and persistence. It will be decades before we reach any firm conclusion about whether our crowded streets

are less promising soil for greatness than the solitary furrow and the village store. If we look out at our changed world with open vision, we have little to guide us to dogmatism about how much the city will solve; how much of resourcefulness and invention she will draw out.

A big city is always a collection of neighborhoods, but perhaps with modern rapid communication this feature tends to become less vivid. At any rate, when Al Smith was a boy the neighborhood aspect dominated. Today New York is the largest Negro city in the world; it is the largest Jewish city; it is the largest Italian and the largest Irish city, as well as the third largest German city. In some respects these elements tend to scatter. In Smith's boyhood there was a distinctness about the Yorkville neighborhood, the neighborhoods of Harlem, Chelsea, Greenwich, even of Gramercy. The neighborhood of the lower East Side was often called the Battery section. In 1873, when, on December 30, Alfred Smith was born, the nature of the population and its distribution was somewhat different from the situation today. In that vast collection of nationalities, religions, and cultures, there is a constant ebb and change. From the lurid accounts which have been written about the East Side, it appears to most minds, especially to those living far away, that it stands for little except poverty and crime. Poverty and crime there have been, but mixed with them there have been a reality and a color of existence that have lent a charm and magnetism for those in New York who can think outside

of conventional grooves. The vast majority of the people on the East Side have been God-fearing, home-loving, upright people. A person who knows this sea of human beings does not think of them as all alike. The Italian has kept his religion, his habits, his emotions, and under the handicap of a strange language, he has been organized by leaders who knew our customs. The Jew has made his Zion here and has brought more philosophy and more intellectual striving than any other of its elements. We must not think of the East Side merely in terms of its sordid environment, of the wilderness of tenements which greets the eye as one looks at Alfred Smith's neighborhood from Brooklyn Bridge. This neighborhood is teeming with social and intellectual movements, with institutions of charity and culture, with movements representing social, political, and economic strivings which the people support out of their meager earnings, led at times by devoted leaders dedicating their lives to causes.

Before any of these large tides of immigration, there arrived the Irish. They spoke the English language. That was already a vast difference between them on the one hand, and the Germans, Jews, Italians, Greeks, Slavs, and scattered nationalities, on the other. There was also a profound psychological difference.

The American point of view, as built up on a new continent from English traditions, did not strike the Irishman as something alien and difficult to understand. He entered into it with ease. In many cities of the country

he became the political leader after a few years, thus giving a striking demonstration of the smoothness with which he entered into our civilization.

The neighborhood around the Fourth Ward in which Alfred Smith's earliest tendencies were developed is a completely definite, distinct world of its own in the many-colored universe of the East Side. It is bounded on the east by a river, a busy stream interesting to look at, covered with energy; to the south its limits are set by South Street bordering this river; to the west is the Bowery, and to the north is East Broadway. Within these boundaries lay much that was bad in the city. On Water Street were rows of houses of prostitution conducted especially for sailors. Along the Bowery were the resorts of the derelicts, though east of it were intellectual amusements and searching conversation in the cafés. One of the institutions on the Bowery north of the Fourth Ward bore the name of McGurk's Suicide Hall. There were the armies of doomed women whose hectic laughter continued perhaps three to five years before they sank into unknown graves. There were the men whose money for drink and gambling and living was taken from these women for the return service of acting as go-betweens in their relations with the police. Walking down the Bowery in the region of Chatham Square at night is not an altogether reassuring experience, but it is a much milder one now than it was half a century ago. There is corruption still, and there are derelicts, but pro-

fessional prostitution is gone, and that great institution, the saloon, no longer exists openly; where it does exist secretly, it is not the center of social life it used to be.

Enclosed by such unpromising neighbors, the parish of St. James could not, of course, fail to have close contacts with them. Broken men and women were continually passing through its streets. It is extremely important, however, for the purpose of making the right picture of the soil in which a strong man grew, to realize that the worst characters to be met with in that parish were not part of it. No boy could grow up in that region and not be familiar with the harshest that life afforded. On the other hand, that harshness was not part of his own existence. The 18,000 people who composed the parish were wholesome. The differences were not fundamental between them and the kind of people who would have made up a town of 18,000 in the Middle West. They were unquestioning, like the people in the Middle West. A point of view of life had come to them and they accepted it. The people in the Middle West might be Presbyterians; these were Catholics. The people in the Middle West might have come from England and Sweden and Germany; all of these came from Ireland. But there was no dissent in either case. Virtue was virtue, vice was vice. The ideas of the parents did not differ profoundly from those of the children. What differences did exist in the degree of separation between parents and children meant more harmony in this East Side oasis, as com-

pared with a group of the same size in another part of the country.

Life usually centered around the church, just as it does in a smaller place. Where Al Smith was born, the church around which life centered was St. James's. In this parish at a critical period of his life there lived a man whose influence on him was a blessing. Earlier there had been Father Farrelly, a good-natured, easy-going man, popular with everybody. When it was reported that there was to be a newcomer, one Father John J. Kean, great was the excitement. Reports from uptown where he was at work were to the effect that he was a learned man, dignified, and the population feared a loss of the old coziness. The mood was summed up well enough in a rather innocent riddle that started on its way at that time: Why is St. James's Church like a Fourteenth Street theater? Because it has a Tony Pastor. That was the name of the owner-manager of a famous theater of that name on Fourteenth Street.

On the day when Father Kean made his first appearance, the Church was crowded as never before. Fifteen hundred persons were packed into it to size up the newcomer. It was true that he was dignified. He was handsome. His beautiful tenor voice as he sang the Mass was his first friend with the expectant audience. They walked out of the church in silence, their hostility gone, at least by the time they had heard him preach later in the same day.

From the pastel series, "Governor Smith's New York," by Bernard Gussow

THE OLD HOUSE WHERE ALFRED WAS BORN
174 South Street, under the Brooklyn Bridge

FOUR YEARS OLD, AT CONEY ISLAND

That he was strict turned out also to be true, but this strictness did not mean unpopularity. He put new energy into the life of morning, afternoon, and evening. There was little to do that was not connected in some way with the church. "Did you go to church every day?" some one asked the Governor. His answer was, "What else was there to do?" Father Kean organized fifteen societies, which included a Rifle Guard, a Longshoreman's Protective Society, the St. James's Union, the Ladies' Sodality, the Free School Society, and a choir of twenty girls. The Governor still remembers Annie Rush, the volunteer organist, and how he and another boy by the name of Cosgrove pumped the organ for her at choir practice. He still likes to imitate their motions as they pumped in time to the music, as many a little boy has done in his church in a smaller town.

Father Kean never permitted an advertisement of a saloon to appear in church programs. For five years he fought a saloon-keeper who permitted women in the back room of his saloon, and at the end of the five years drove him out. No drop of liquor ever appeared on church premises for any occasion whatever.

Not infrequently leaders of the East Side—local rabbis, journalists, and priests—would resent the association of that neighborhood with the crime and sordidness of the Bowery and the moral plague-spots surrounding it. St. James's Parish was more an organization for the simple conduct of life than it was a seminary for splitting hairs.

The Christian Brothers did the teaching in the parish schools.

From 1880 to 1887, from the age of seven to the age of fourteen, Smith was an altar boy. Most of the time he served the seven o'clock Mass and for a short time the six o'clock Mass which required him to get up at five-fifteen. He began by waking another boy in the neighborhood, named Keating, by shouting at him from the street. It is related in this connection that Smith's voice was loud even then. One day some one not pleased with the performance which woke him so early in the morning threw a soap-box at Smith. From that time on he allowed Keating to awaken himself.

Father Kean had come to the parish the year before Al Smith began this work. There were special classes for those boys who served at the altar, in order to keep them from being handicapped in their school work.

The father of Smith drove a truck. He was a sociable being, fond of conversation and greatly liked in the neighborhood. His name also was Alfred Emanuel Smith. He was a facile talker and story teller, which made him attractive to the Sandy Hook pilots who, when they came to shore, frequently looked him up to hear his stories. He was appointed a volunteer fireman in 1857 and participated in heroic rescues in his day. His business in life was to guide two heavy horses through the chances and mazes of the city, then without automobile or motor truck. This man had been born in 1840 on Water Street

near Oliver, which is only a few blocks from the spot that was the birthplace of his famous son. Of the few impressions which Al retains of his father, one of the earliest, as a little boy, is his father's return from labor, grimy with dust of the streets—more neglected than they are now—wet with streaky sweat, peeling off garment after garment, plunging his neck, hands, and arms into cold water to cool off. He was a large man, of greater stature than his son, with a thundering voice and a wonderful memory, which was a valuable asset to pass along with the rest of his vigor.

The father was not a great success as a business man. He was more interested in doing favors than in making money. One of his favorite comments was, "A man who cannot do a friend a favor is not a man."

The Governor, like all of us, remembers but scattered pictures of these earlier years. He recalls a walk with his father one wintry day across the wooden planks of Brooklyn Bridge before it was finished. The father was eager to enjoy the proud privilege of saying that he was the first to cross the Bridge before its completion.

In the warm months the father sometimes took part in the swimming and other occupations of the boys along the shore. One of the few childhood memories Smith recalls is of his father's throwing him into the water with a rope tied to his body; the end of this rope his father held, to teach him to swim. Most of the boys became good swimmers. To this day there is no exercise Smith

enjoys more than a swim in the surf at Coney Island. There was as much reason for them to swim well and climb well among piles of lumber and pyramids of boxes and crates, dodging safely among horses and trucks, as there is for a country boy to be skillful with trees and animals and guns. He remembers gratefully the chance not only to learn to swim in the East River, but to play baseball and handball outside of the warehouses. Tired out, the little fellows would sit and rest on the roof of a shed, watching the longshoremen hoist gigantic crates or lower them among the holds of the ships. Perhaps their talk was not altogether different from that of boys of the same age in the vacant village lot or on the street in front of the barber shop, but it was probably less philosophic than the talk Lincoln heard in the streets of Springfield, Illinois. It dealt less with ideas than with events.

The neighborhood in which young Al dwelt had at that time many houses which were survivals of the aristocratic past of the East Side, for it is well known that a century ago the East Side was a neighborhood where many of the well-to-do and the socially élite dwelt. Some of the side streets, such as Henry, Madison, and East Broadway, had shade trees. At first these houses were occupied by one family, then by two or three. The shade trees were finally rooted up because of their interference with traffic, and particularly with fire-fighting, as they prevented ladders and hose from reaching the windows

of upper floors. Some of these trees can still be seen on East Broadway.

The view from the Smith house must have been attractive. The docks were uncovered, and one saw the river with the boats plowing through it. At that time one of the popular means of transportation was the Harlem boats which offered what was then rapid transit from lower New York to Harlem. Al's mother remembered the family doctor looking out of the window and saying, "This is like a view from an ocean liner."

When Al was a very small boy he did not wander far from home. His first playground was directly in front of his home, and that part of the river front was the New York end of Brooklyn Bridge. "The bridge and I," as he puts it, "grew up together. I spent a lot of time superintending the job. I have never lost the memory of the admiration and envy I felt for the men swarming up, stringing the cables, putting in the roadways, as the bridge took shape. Ten years after I was born they opened the bridge. I still remember the excitement in our part of the town when word came that many had been killed in the crush at the opening. It was on May 30, Decoration Day, 1883. The bridge had been formally opened a few days before. My father, mother, and sister and I crossed over to Brooklyn on the bridge. We came back by the Fulton Street Ferry. Late in the afternoon of Decoration Day, there was an immense crowd on the bridge crossing in both directions. I seem

to remember that somebody in the crowd at the New York end yelled that the bridge was falling. There was a rush for the New York end. Those rushing from the bridge met a throng coming from Park Row, producing a jam in which eighteen or twenty people were trampled to death.

"Some of us boys from the waterfront hurried to Park Row when we heard of the accident. It was growing dark. We crowded as close as the police would let us. They were taking away wounded people, and policemen were piling up quantities of hats and clothing taken from the victims.

"That was my first view of a great calamity. I did not sleep for nights."

As a character, Al Smith's mother contrasted with the father. She was the strict one of the family. She also had Irish sociability and friendliness, but not in the same degree; on the other hand, the seriousness with which she applied herself to the family and its bringing up was inevitably, for many reasons, greater than that of the father. She was around the home all day.

When the father died, the children were still young. The family traditions were strong. It never would have occurred to Mrs. Smith to put any limit on the responsibility resting on her for the upbringing, comfort, welfare, and morals of her children.

Her name was Catherine Mulvihill, and she was born in 1850 in a store on the corner of Dover and Water Streets, a few blocks away from the house on South

Street. Smith's grandmother on his mother's side was educated above the average of the Irish women who lived around South and Water Streets. She attended a convent in Ireland and was known for her skill in needlework. For that neighborhood she was quite conspicuous as a literary scholar, which probably meant that she had read a little more than the average woman of the parish.

Smith recalls that it took his grandmother sixty days to get here on a sailing vessel and that she landed at the foot of Dover Street at one of the well-known dock landings around the neighborhood of South Street.

It was in 1871 that his mother was married. We know a good deal more about her than we do about the father, for she lived to be an old woman, and the tie between her and her son was not one merely of duty, but of tender love. There is no difference of impression among those who in later life saw the Governor in his relation to this old woman. The speed and ardor with which he sought her out when he entered the house, the way he knelt to receive her blessing, the pride with which he saw that she was in the best seat at functions marking his success in life, all threw a bright light on that family intensity, mutual need, mutual help, and genuine love, which was a big thing in the world in which this boy grew.

The firmness with which the mother undertook to guide the children is within the direct knowledge of comparatively few, as far as relates to the years immediately

following 1873. We know, in general, that she undertook to know what the children were doing, and to see that they were doing right. That was the point of view of all the mothers of the parish, so that certain problems that face the parents of today were unknown among the Irish-Americans of the Fourth Ward. We are not, however, depending solely on tradition going so far back. In later years Mrs. Smith lived with her daughter, the wife of John J. Glynn, long a member of the New York police force. To the very end, habits of supervision persisted in her, although she was able to toss them off with sufficient lightness to avoid making a problem with a generation she little understood. During the years when she lived with Mrs. Glynn, she used to keep awake until the grown-up grandsons came in at night. She could see under her door the light which was put out when the last member of the family went to bed. She would then flash a light, look at her watch, and make note of the time. In the morning she was likely to make some remark about the hour. Nobody took it seriously, and once Mrs. Glynn asked her mother why she bothered about the grandchildren as long as she had no part in that responsibility, whereupon the old lady laughed and passed it off with a remark that she liked to know what was going on.

Mrs. Smith was as much born to live by her own efforts as was the truckman, her husband. There was nobody in that family, and there were few if any in the neighborhood, who conceived of life as anything except an exist-

ence based on individual effort. Theories about what society owes to the individual were not topics of conversation. Everybody worked, and everybody took work for granted. This woman had two trades. She could make hoopskirts and she could make umbrellas.

When her husband died in 1886, he had been ill for two years. At the time of his death he was a night watchman. Mrs. Smith was ill the summer after her husband's death, following the two years of strain, but she turned in and did more work for the family income than she had been doing before. For two and a half years after the death of her husband, Mrs. Smith went back to her trade as an umbrella-maker to keep Alfred in school. In a family like this not much was put in the form of philosophic statements about duty. The rules were mostly simple, and simply expressed. One of the sayings of Mrs. Smith that has come down to us is, "Show a child the difference between right and wrong, and it will choose the right." It has also come down to us that she put much emphasis on telling the truth and on not making excuses. These simple rules of conduct were heartily backed up by her husband.

It was also related of Mrs. Smith that she was decidedly attentive to the dress and neatness of the children. The Governor was one of the most neatly dressed boys in the neighborhood, and ever since he has always been a careful dresser, even though his sartorial habit

most commented on is the angle at which he sometimes wears his hat.

Although Mrs. Smith's life was the typical hard-working career of a woman in a poor family, she was by no means without her diversions. Perhaps the most distinctly outlined of these was connected with the fire department. She had a brother whose name was Peter Mulvihill. She was fond of this brother and wept when he left the neighborhood. Peter was a fireman. This exciting fact meant a good deal to the whole Smith family. It meant a good deal to his sister. She used to go to "all the fires." In those days it took longer to put out fires than it does now. They sometimes even lasted two or three days. Light meals often had to be taken to the firemen. A familiar interest in the Smith household was the preparation and carrying of those meals to the scene of action. Coffee was carried in large cans. Peter was a volunteer at first, and finally became a professional. Altogether he was connected with the fire department forty-five years. He had such a strong resemblance to the Governor that at the first Smith Inaugural he was taken for his father.

Peter seems to have been an attractive man, popular in the family, and it was doubtless through his influence that Al at a tender age occupied a privileged position in the fire department. Not only was Al the proud possessor of a pass that enabled him to take an intimate part in actual fires, but he was recognized as a person whose

presence in the firehouse in the neighborhood was regular and welcome. Such little chores as fell to a boy were always done directly and well, according to every witness. Moreover, the firemen liked him, as everybody likes him. His gayety, friendliness, singing, and dancing contributed much to the firemen's hours of leisure, and he was amply repaid by the thrill of being part of the organization that listened for the alarm to open the door, start the great horses in motion, and dash to the rescue.

Alfred's earliest ambition in life was to be a fireman, and ever since his interest in the fire department of the City of New York has continued. In later years he became one of the real Buffs and an honorary member of the Officers' Association.

The house on South Street, only recently demolished, in which the Smiths were living when Alfred entered the world, was No. 174. It was an old narrow house and had only two windows on each floor. The Smiths lived on the top floor. They had four rooms—a front room, two bedrooms, and a kitchen. Above these was an attic where the children often played. On the second floor was a well-known barber shop owned by a German called Morgenweck. This is where the Sandy Hook pilots came to get shaved and where they frequently met Al's sociable father. On the ground floor was a candy and fruit shop. In the Smith home the boys of the neighborhood were welcome.

Al was about twelve years old when he began to carry

newspapers. He set up in business with twenty cents. From the proceeds of what he made on one batch he bought more. The small amounts he brought back to the family in the evening filled a genuine need. But he had plenty of time for play then, and he has had plenty of time for play all his life. It is easy to invent things about the childhood of men who have become famous. One thing is certain, however; from his earliest years Al was an organizer and leader. He brought the boys into the attic and managed amateur theatricals. His sister still remembers being tried out by her brother for a childish theatrical performance and then being discharged by him without ceremony because her performance was not up to his artistic standard. She remembers also the apologies for noise that her mother often made to the good-natured people downstairs who were the barber and his wife.

The fact that the Smith attic was a center for the play of the neighborhood contrasts rather sadly with what was happening in many parts of the East Side, where the rallying point of the boys was some street corner without supervision. It is almost a commonplace of social study these days that delinquent children come from unhappy homes. The Smith house was a happy home.

In spite of certain enthusiastic traditions, there is no reason to suppose that Al made any great impression as a scholar. He did his work easily and was always steady and always liked. He was proficient in public speaking, and he won a silver medal in an oratorical competition

among the boys of the parochial schools of New York with a recitation on the death of Robespierre. This silver medal now reposes in the jewel box of Mrs. Smith. It is a simple triangle hung from a small silver bar and has engraved on it, "Alfred E. Smith for Elocution."

Two boys were selected to compete from every parochial school in the city. From Smith's school one represented the seniors and one the juniors. The one who represented the seniors later became Father Grady, whom Smith lost sight of for many years until he met him accidentally in a church in Mamaroneck in the summer of 1927. Smith represented the juniors. The winners from all over the city took part in a contest held in Manhattan College in Manhattanville.

The boys had a great frolic on this occasion. They spent their money, which should have been kept for carfare to ride crosstown, on bolivars (big round molasses cakes, popular with the boys of that day, costing a cent apiece) and bottles of pop, and had to walk about two miles or more through what was then a country district to make their last nickels available for the long ride from 125th Street and Third Avenue to Chatham Square.

No decision was given at the time. Two or three days later the Brother in charge of the school told the boys that he took great pride in announcing that both prizes, senior and junior, had been won by the school of the parish of St. James.

On those Friday afternoons of impromptu speaking,

when the students had to talk not from memory but from notes, Alfred had originality of expression, a natural manner, and magnetism. His old teacher, Brother Baldwin, refers to one characteristic in school which has always been with him—a marked power of concentration. He was always able to concentrate on the meat of the subject he was interested in and to remember the essentials. He never burdened his mind with excess material which could not be of use to him.

Two years after his father died Al, then fifteen, left school and had his first regular job, as a truck chaser (business hunter) for a truckman, where he worked from 1888 to 1890.

In 1890 he was an office boy and assistant shipping clerk in an oil factory.

In 1892 he worked in the Fulton Fish Market as a combination salesman and assistant bookkeeper for John Feeney & Co. at $12 a week and all the fish he wanted. He soon had experience enough to pick a good bluefish to take home to his mother. He worked from 4 A.M. to 4 P.M., and on Friday started at 3 A.M. He had a half holiday on Saturday.

From Fulton Market at that time there was distributed more sea food than from any other point in the world. It still is the largest receiving and distributing point outside of Boston. The stalls still stretch along the water much as they did, although details of the scene have changed. In those days fishing was not so highly organ-

ized. The fish came in little sailing smacks, each smack owned by its captain. As the smack came up to the wharves, the captains waited for the various dealers to put in their bids. Now, while some of these small vessels still exist, most of the fish are brought in by steam trawlers, which wait out at the fishing ground until they receive wireless messages that prices are right. The lively, personal bargain and sale are gone.

The market at its best existed at a time when the women of New York did their own marketing and it was considered the proper thing for the female head of the house to drive to the market and select what she wished.

What was true of the woman with a carriage was equally true of the woman who did not have one. She, too, selected her fish, meats and game and carried them in a basket.

Here Smith picked up some homely similes. Describing a person he did not like, he referred to him as having "an eye as glassy as a dead cod." Of another person he said, "He shakes hands like a frozen mackerel."

In the one year Smith worked here, he was doing business with older men. Picturesque life all around was connected with the activities in which he was engaged. There were many restaurants specializing in sea food. An oyster fry, a crumb fry, a regular fry were familiar dishes, and many restaurants bore the name of Oyster Bars. Such dishes were standard for lighter meals, as a steak was standard when a more serious meal was sought.

Next he got a job in Wythe Avenue, Brooklyn, at a steam pump place where he was called receiving clerk, a polite name for a common laborer handling steam pipes. He had now grown big enough and strong enough to take such a job, and it increased his earnings.

He got up every morning at six, ate heartily of ham and eggs and coffee prepared by his mother, and walked down to the ferry, carrying with him the lunch also put up by his mother. Such was the nature of his work up to the beginning of his political career.

In February, 1895 (through the influence of Henry Campbell), he was appointed by Robert Noonan as a subpœna server in the office of Commissioner of Jurors. He worked here from 1895 to 1903, a period of eight years, until named for the Assembly.

He was earning $75 a month when he married. When his son, Alfred, Jr., was admitted to the bar recently and received his first day's retainers as a lawyer, the Governor said, "I wanted him to have a little perspective on life and I said to him, 'Al, when I was your age I was married and supporting a family on less per year than you have received as retainers on this one day. Don't think life is all as easy as that.'"

Meantime, as he grew older, another social element entered his life. It was the club, always an outstanding institution in the neighborhood of the East Side. There were two kinds of clubs which provided social life for young men, the ordinary social club of which the Sey-

MRS. CATHERINE MULVIHILL SMITH (THE GOVERNOR'S MOTHER)
In the yard of her home at 9 Middagh Street, Brooklyn

AN OLD TIN-TYPE FROM THE FAMILY ALBUM

Governor Smith's father; the Governor, about six; his Uncle Peter Mulvihill, and his cousin, Tommie Mulvihill, taken about 1880

mour Club was one, and the political club. He belonged to both kinds. There was an additional club which played a great part in the life of Al Smith in his boyhood and youth; that was a parish club located on Henry Street where the St. James's Parish Union met.

The Governor kept a scrap book for a long time, without any particular system, in an old Wells Fargo Express order book. The exhibit has genuine importance, as it shows what was attracting his attention at various periods. For a stretch of years speaking and drama preponderate. At the age of ten there is a school entertainment, one of the items of which is "Recitation, Master Alfred Smith." As he grew older and entered into the regular drama, he became not only the leader and producer, but also the foremost actor. The parts which fell to him, after the villains, were singing and dancing parts and comedy parts, and he developed to a point where he played what are called straight leads. As time went by, Smith's passion for the theater became more widely known. A rumor spread around the district that he had received an offer from Daniel Frohman to join his famous stock company, but this rumor must be looked upon as expressive rather than accurate.

As he grew older, and passed to the political club, the amount of attention given to the drama did not lessen. For a good part of his youth he acted in about two plays a year. This in itself meant hard work. It not only helped to develop a memory which was prodigious by nature and

to express his natural love of wit and of speech, but was also one of those wholesome activities that took up his energy and formed a bulwark against temptation. As an actor Smith was conscientious and never missed his cues. He was able to coach the actors when their less gifted memories failed them. The Governor recalls how in one act of a performance a dull boy was merely to follow the stage instructions which read, "draws knife and cuts rope." The boy had to go upon the stage and cut a rope at the time when the villain of the drama had almost finished his dastardly deed. The boy solemnly made his entrance on the stage, stalked to the center, drew his knife, recited the directions before the audience, "draws knife and cuts rope," and then proceeded to perform the act.

The basement of St. James's Church where the plays were given had a capacity of about eight hundred seats. For the size of the place the stage was wide and deep and the footlights conspicuous. The shows attracted audiences which packed the old basement to the doors. Where there is a villain in a melodrama there is almost always a struggle between him and the hero. It was during one of these struggles that a small boy, with his eyes almost popping out from excitement, displayed a pistol and tried to hand it to Al over the footlights, saying breathlessly, "Here you are, Al. Kill him."

The casts of the St. James players and the audience which enjoyed their performances have scattered to various parts of the city, the country, and even the world.

Many are married men and women now, fathers and mothers, and some have grandchildren, but, like Smith, they have retained precious memories of these old days, and most of them are members of the Old Neighbors' Club which meets before election to cheer their Al now playing a leading rôle on a bigger stage.

The man who coached these plays is of the opinion that Smith's experience as an actor has influenced his public speaking ever since. Stooping down to emphasize a point recalls one of the gestures in his amateur theatrical days. Sometimes the Governor suddenly stops and takes a drink of water in the midst of a speech. This habit is also the result of the training given him in his youth in making dramatic pauses.

A list of some of his rôles recalls for us not only the drama as it was in those days, but also the Governor's tastes and tendencies.

One of the newspapers of the time says of Smith that he played the principal parts in "May Blossom," "The Confederate Spy," "The Long Strike," and "The Mighty Dollar." Of "The Mighty Dollar" it was said by the newspaper commentator, "Alfred E. Smith, as Hon. Bardwell Slote, was very amusing and rendered the numerous speeches of the voluble M.C. from the Kohosh District with good effect." He is also spoken of in the press as "the leading man of the St. James Lyceum Company."

He played the leading part in "A Russian Honey-

moon." He was in "The Lost Paradise," by H. C. DeMille, in "Hazel Kirke," in "Stranded," in a musical farce called "The Workers," in that adaptation of William Gillette's called "All the Comforts of Home," in a farce called "Turn Him Out," in "The Paper Chase," in "Incog." Such recurrent events in his life as his appearances in these and other plays were so carefully posted in the Wells Fargo book that up to 1896 they stand out above all other entries.

His interest in the drama was never a literary one. He was attracted to a play by its acting possibilities and its moral quality. In the days of his fame he illustrated the same taste by enthusiasm for "Abie's Irish Rose" and for "Turn to the Right." Comedy, morality, and sentiment, not tragedy and not irony, were the elements he sought. The first play he ever saw was at Niblo's Garden at Prince Street and Broadway. It was Kit Chanfrau, a famous actor of the day, in "The Arkansaw Traveler."

He and the other young actors of St. James's Union were accustomed to seek amusement in the theaters of the Bowery. They attended the farces of Hoyt. They were familiar with Harrigan and Hart, and Smith later was one of those to attend a celebration in honor of that famous pair. Miner's Bowery Theater and the Windsor on the Bowery were the leading theater resorts of the neighborhood. To them came not only burlesque, vaudeville, melodrama, and musical pieces of the day, in which Sam Bernard, Dave Warfield, Maggie Kline, Pat Rooney, and

Weber and Fields started their careers, but such leading actors as Clara Morris and Fanny Davenport. Indeed, Smith likes to tell of the experiences of some of his young men friends, who to earn an extra fifty cents a night, and for the fun of the thing, would act as supernumeraries with Melbourne MacDowell and Blanche Walsh when they played on the Bowery in one of the favorite dramas of the day, called "Siberia"—a gruesome melodrama of Russian life.

He was fond of Buffalo Bill and of Barnum's Circus and Museum to which his father sometimes took him, and his love for the circus has survived, for one of his pleasures in later life is taking children—his own, his sister's, and the children of his nephews—to the circus every year.

Next door to the Thalia Theater was a resort called The Atlantic Garden, a place frequented particularly by Germans and their families. Al Smith has always had sympathy with the social tastes of the Germans, their love of sitting around in family groups drinking beer, chatting, and listening to music. The patronage of the Atlantic Garden by the Smith family began back when the father was alive, and the children eagerly looked forward to that part of the trip which consisted of a jelly-roll for each.

And thus on the Bowery, as well as on the river front, the pleasantest and most wholesome activities of life were side by side with the worst. Some friends and observers

of those days who are still alive are inclined to think that familiarity with evil things, remote from the family and social mode of life, may have been an actual advantage, a sort of inoculation. Of course, plenty of the boys even in the Fourth Ward parish acquired undesirable habits, but it is likely that the percentage of those who emerged well balanced and vigorous was as high as would be found in any other unit of the size.

The relation of the boys and the young men to the girls was attractive. One who looks back at pictures and fashion plates of those days, at the skirts, trimmings, and hats, will see a different ideal of female beauty and effectiveness. Just as the clothes of our time are simpler and bolder, so has there been a corresponding change almost everywhere in the attitude of women. These Catholic girls were brought up strictly, with a set of virtues in which chastity stood very high—an ideal supported not only by the Church and the parents, but by the acquiescence of the young men. Whether many or few of the men might seek wayward amusements, there was a solid sentiment among them about the conduct of their own sisters and the sisters of their friends.

There was, however, plenty of pleasant companionship between the boys and the girls. With Smith's group in St. James's parish it was a custom in the evening, as they grew old enough, to go about the streets singing, and frequently to stop under the windows of their girl friends and get them to join in the songs.

At the club, Father Kean always attended the receptions that were called "ladies' nights." He would go home about ten o'clock or half past ten, but he sat in his window almost next door to the church. One night he saw a group of young men and young girls leave the reception and go to a saloon on the corner. Innocently enough they went in and presumably had some beer. They returned to the dance. What would have happened if that had been all, history does not relate. They came out again, however, again visited the saloon for a short time, and again returned to the dance.

Father Kean went to the next meeting of the St. James's Union. He introduced a resolution to the effect that if the parish priest requested any member to be dropped, that request should automatically cause the person to lose his membership. At the next meeting this resolution was voted on. There were some who objected. A number were sitting around, more or less ready for trouble, when Smith entered. At this time he was seventeen or eighteen years old, and had been for years growing up under the influence of Father Kean. As he puts it himself in telling this particular incident, "I was not an officer of the club, but I was very prominent."

"What are you going to do?" asked the boys, as he came in.

"I'll tell you," Smith replied. "St. James's Union is part of the church. It belongs to the church. We coöperate with the church and it coöperates with us. If the

Father wishes to have something to say about it, I think he has a right to control the membership. I'm going to vote for it. I will bet you that after Father Kean has put his ideas before you, not one of you will vote against them."

Father Kean entered. He took his seat. First came the regular business. Then he introduced his resolution. He rose and spoke. The vote was unanimous. "Good-night," he said, and put on his biretta, or priest's cap, and walked out. The boys looked at one another. A few gathered around Smith. "Where were all you fellows?" he asked.

The next day Father Kean sent for the young men whom he had seen going into the saloon with the girls and told them they were no longer members of the St. James's Union.

Smith, at the time of the saloon incident, was being cast more often than he enjoyed for the part of the villain. A play was to be cast, to be given, as often, for the benefit of the orphan asylum. The smaller boys and girls had to sell tickets for the dramatic performances. A free ticket went to each child who was able to sell four. These children with free tickets gathered in the galleries, the boys in one and the girls in another. It was the yells of the boys that had something to do with Smith's becoming weary of a perpetual round of villainies. Shortly before he made the attempt to get rid of such parts, he had been in a play in which he had proposed to a girl. She refused him. His next line was, "You will yet be mine." The

boys in the gallery broke loose in prolonged whistles. He was smarting under this when he delivered an ultimatum against having the villain's part.

The next day he received a message that Father Kean wished to see him in the evening. When he entered the priest's rooms, he was kept waiting for a while. Finally Father Kean entered, took off his glasses with a characteristic gesture, and put his hand on the boy's shoulder. He never called any one by a nickname. "Alfred," he said, "we have over two hundred little orphan girls next door. It is getting harder every year to feed and clothe and care for these girls." Al replied in four words: "Give me the part."

His memory reverences Father Kean, not on religious grounds, which form no part in the picture, except as religion is the conduct of life. He reverences the memory of the man, his tireless, self-sacrificing, devoted spirit.

Al Smith fell in love but once, and he fell hard. By that time he was a well-developed, handsome young man. Catherine Dunn was a dark-haired girl, more reserved than the average girl born in the neighborhood. Her family was in moderate circumstances and had been able to educate the daughter longer than the family of the truck-driver had been able to educate its son. The name of Mrs. Alfred E. Smith's mother was Emily Josephine Dunn. When the Governor courted Catherine Dunn she lived with her mother at 3681 Third Avenue at the corner of 170th Street.

Those were the days of the bicycle, the street-car, and the steam engines on the elevated railway which ended at 129th Street and Third Avenue. Alfred Smith was one of the most enthusiastic bicyclists in the whole city. The Bronx was a long way off. It was as far then from the region where Smith lived, measured in time and effort, as Albany would be now. There were no motors. There was no subway. There was no direct route by trolley, or even by horse-car. It was a serious undertaking to get to the Dunns' house, but Alfred got there with frequency, hard-working citizen as he was.

He was making a good deal of money for those days, and when he turned up at the Bronx home of the Dunns, he had a perfectly good derby hat, a cutaway coat, those markedly striped trousers which were dear to the youth of the period, black shoes, what was proudly called a four-in-hand tie, and the kind of collar known as a stand-up. He looked all right to Catherine, and it was obviously only a question of waiting until the family was convinced.

Catherine had more dresses, and better ones, than the girls in Smith's social group. When she went to an entertainment she sang sentimental songs and Smith was sure she sang them divinely. The Wells Fargo book contains a treasured program recording, "Songs—Miss K. Dunn" —for Catherine was familiarly known to her friends in the neighborhood as "Katie."

From his weekly earnings he was now able to save sufficient money for the requisite flowers and candy. Look-

ing ahead, there were certain advantages. Food was plentiful, good and cheap. There was no housing crisis. Often a young couple obtained two or three months' rent free from the landlord on going in. Clothing was a smaller item proportionately than it is now.

Well dressed as he was, Al did not count among his possessions a dress suit. There was nothing remarkable about that. Such a piece of property was expensive; it was seldom used, and the custom of hiring it when needed was widespread. On a certain evening there was to be a big dance in a Harlem hall and Catherine had consented to go. It was grand enough to call for evening dress. Al went to a Jewish tailor in his neighborhood, put down two dollars, and went away with a box, which he carried out to the Bronx. In Catherine's house there were the necessary facilities for him to emerge from his street dress and appear in his evening grandeur. He went into the room belonging to Catherine's brother and opened the box. Evidently there had been some carelessness in the tailor shop, and it is not altogether easy to understand, at this date, how the young man who was to become the very type of efficiency could have overlooked such an important point. The coat and the waist-coat fitted well enough. The trousers simply would not do. He was slim and five feet seven. The trousers had been made for a man who was short and decidedly stout. There was no time to go back and make the change. Catherine's brother was built like Al, but he did not have a dress suit. For-

tune smiled, however. The brother had a pair of dark blue trousers which he turned over to his sister's friend. So Al went to the party, with his combination uniform, and had a happy dance with Catherine. He has often summed up the result with the simple words, "I got away with it."

It was always late when he went home. Indeed, his Sunday evenings were likely to be so late that getting up early on Monday morning was none too easy. As he returned on the "L," he tried to sleep, in order to be fresh in the morning. Often he carried a big umbrella. It was a possession of much value. It happened that a group of his friends would sometimes board the same train before it reached Chatham Square, the station where he got off. He heard them one night whispering a plot to steal his umbrella while he slept. With his eyes shut as if asleep he fastened it by a thin cord to a button on his coat and then slept on. They attempted the hoax and failed.

At another entertainment, in which Catherine was a star performer, there was an unexpected addition to the program. The program itself is fondly pasted in the Wells Fargo book. Two young men, Smith and a friend, proceeded out to the Bronx to join the audience, but before the affair ended they had volunteered a song and dance of their own. This contribution Smith notes with his pen on the edge of the program in jubilant mood, indicating success.

These trips to the Bronx to see Catherine, along with various excursions to the country to ride his bicycle, and an occasional trip of the drama group to give a performance out of town, gave the youth the only impression of the real country he ever had. The birds to which he was accustomed were those that find themselves at home in the city streets or sailing over the river. The grass and the trees known to him were isolated bits in the great city, not the forests of nature. The ocean he knew from Sunday trips to Coney Island and Far Rockaway.

The course of true love ran no doubt as smoothly as it ought to run, and the reasonable obstacles were overcome before the sixth of May, 1900, on which day Catherine Dunn was led to the altar by Alfred Emanuel Smith. They were married at St. Augustine's Church at Franklin Avenue and 167th Street. A Catholic priest seldom leaves his own parish to officiate at a wedding. Father John Kean united Alfred E. Smith and Catherine Dunn, and the Governor likes to tell about this aspect of his wedding. It stands for a friendship rich in gratitude and reverence.

This marriage has turned out to be what that happily married couple, his parents, and that other happily married couple, her parents, would have hoped. Not in all the years has there been any break in the satisfaction it has given. Smith often expresses serious things lightly. Many a time he has had occasion to remark, apropos of

one situation or another, that he is a married man and a father, and that he needs to have his wife and his children with him. Their children have been five.

When Alfred Emanuel Smith, Jr., bearing the same name as both his father and his grandfather, was a few weeks old, he took part, as we learn from the Wells Fargo book, in a successful dance at one of the neighborhood picnics.

Alfred Emanuel Smith, Jr., was born on January 26, 1901. He was married October 16, 1924, to Bertha Mary Gott. Emily Josephine was born December 23, 1901. She looks like her mother and has some of the vivacity of her father. She was married on June 5, 1926, to Major John Adams Warner. This union has recently brought to the Governor his first granddaughter, Mary Adams Warner. These two Smith children were born on the third floor of a small flat at 79 Madison Street.

The third child is Catherine Alice, named for her grandmother. She is thought to be like her in temperament, and like her great-grandmother Mulvihill she is skillful as a needlewoman. She was born April 15, 1904, at 9 Peck Slip. Arthur Williams, the fourth child, was born August 20, 1907, at 28 Oliver Street, and Walter Joseph at 25 Oliver Street on December 28, 1909. On February 1, 1925, Arthur married Anne Hess. He has two lusty boy babies, Arthur Jr., and Walter.

For a long time the Smiths occupied only half of the house at 25 Oliver Street. It was not until he returned

at the beginning of 1921, after his first governorship, that the family occupied the whole house.

To the observant eye that block in Oliver Street is still marked by some of the finest residences in the entire city. These houses were built when taste was good. They are harmonious and simple in line and admirably constructed. Oliver Street is not far from South Street and around the corner from St. James's Church. Within an area less than one-quarter of a mile square, the five Smith children were born, and in the same area were born their parents and their grandparents. For over a century the Smith family has been associated with a region surrounded by the unfortunate, but itself one of the finest as well as one of the oldest parts of New York City.

Chapter II

THE SCHOOL OF THE TIGER

The Seymour Club in the Fourth Ward of the Second Assembly District, although organized as a social club, was sometimes spoken of as an anti-Tammany club. It was not in truth anti-Tammany, for there was no anti-Tammany movement, properly speaking, in the neighborhood. The club-like people accepted the democratic organization without question, and the political divisions were personal. When the newspapers spoke of the Seymour Club as anti-Tammany, they meant that its members were opposed to Patrick Divver, who was the Tammany leader of a neighborhood where many a bloody fight was fought. There was never any question about its regularity.

Tom Foley was an earnest man who understood the business of a local leader. His job was to see that politics in his district were run efficiently for the purpose for which primarily politics existed. That purpose was to look after the welfare of the individuals who resided in the district.

Foley allowed no trifling by anybody who wished to take part in the political game. The district was full of needs. Almost any family was likely to want something.

Perhaps the father had died and there was not money enough for the funeral. Perhaps one of the boys had been arrested, justly or unjustly. Perhaps a man who had a job on the police force had been dropped or moved to an undesirable location. Perhaps laborers had to be placed in the street cleaning department, or a transfer effected for one of his constituents from one department to another, or an increase in salary negotiated.

If a man in that district showed any interest in politics, Foley knew exactly what to do with him. The word "contract" in New York politics has two meanings. One is the familiar meaning in which it relates to business enterprises. The other is special to the organization. A contract in that sense is something to be done. You might, for example, meet even today an assemblyman from the Second District, or a member of Congress, to say nothing of humbler workers in the political field, and he might show you a bunch of papers that he had in his pocket. One would make it necessary to go out and see the Democratic leader of the Bronx about one job, another would call him down into the business district to see the employment manager of a certain corporation, a third would have to do with a city department. Every one of them would mean keeping somebody in his job or getting somebody into a job. Each one of such tasks is a contract.

The word "contract" is still in the Governor's vocabulary. At a meeting of his cabinet on February 23, 1927,

it was necessary to get the consent of the Finance Committee of the Legislature to a certain move. Governor Smith observed: "All right, let Joe Wilson take the contract." Joe Wilson, director of the executive budget, was unfamiliar with the term. He said: "What is that, Governor?" The Governor replied: "Take the contract to go up and serve notice on these men that they should take that out of the bill."

Another word that prevailed in local politics was "bit." It meant the same thing.

Smith's marriage did not lessen the amount of this work he had to do. It was taken for granted that it was part of life. Just as men in the country gather at the store, swap stories and talk politics, so in the congested neighborhood of a big city they gather, not in one store, but in many, on street corners, formerly in saloons, sometimes in their clubs. In a place like the Fourth Ward, a young man interested in politics does not make a distinction between his social life and his service to the community. He helps to meet the needs of the people with unconscious human kindliness. There is no articulate philosophy of service. It is neighborliness, which on election day is translated into votes.

The votes on election day, however, do not come without organization. The translation into results is brought about through skill, concentration, and persistence seldom known to the up-town reformer.

The district leader is a slave from morning until mid-

night, and for three hundred and sixty-five days in the year. No exertion is too great, no favor too insignificant. The virtues that spring from such a standpoint are, above all, willingness to help, loyalty, and respect for a promise. From the political standpoint, one of the most important lessons that the young man gradually absorbs is the meaning of team work. Many a political leader has accomplished something for his country by courage and originality as a lone wolf. That was not the school in which Smith grew up. Although he has expanded beyond the Fourth Ward in all directions, he has never rejected it, or ceased to use those human and technical lessons he learned on the streets of New York. He has gone ahead without giving up team work, and team work has meant continuing to give as much to his organization as he could give consistently with his ever-increasing responsibilities and his clarifying purposes.

It is to be remembered that the Irish genius for politics up to this time has been, with few exceptions, the genius of the Ward. It is in close, warm, personal contact with local life that the Irish have excelled. That the Irish in New York have been almost altogether Democrats has been one element in making the character of the Democratic party in that city. There is in Tammany plenty of little graft. When doing favors is the basis of politics, little graft is a natural development. When there has been big graft, it has been occasional, not characteristic. If a friend of a Tammany leader happened to be

a member of a public utility corporation, the Tammany leader would do a favor for him, as naturally as he would do one for the widow of an undertaker, but on the whole his friends would not be so highly placed. Only at one point has the contact of the Tammany leaders with big business normally been close, and that was in local construction work. With the Republicans, however, the reverse has been the fact. Not being so closely organized from the neighborhood up, but rather from big business down, their city and county and state machines have had less petty graft and more of the larger, smoother, more hidden and more lucrative relations between the politician and the man with money.

Never would Smith have had a chance of promotion, if he had not been regular in his attendance at the Club and unfailing in carrying out contracts. Tom Foley was at his post in the clubhouse three hundred and sixty-five days of the year and he expected of his lieutenants not the same but similar devotion. Biding his time, and keeping his ideas to himself until the proper moment, has always been one of Smith's traits. He saw clearly in his manhood that, from the point of view of a man of serious ambition, the patronage system is an obstacle. If six policemen want one job as plainclothesman, the politician who obtains it for one of the candidates makes one friend perhaps, but certainly five enemies. Seeds of his growth beyond the conceptions of the organization were already in him, but he did not talk about such things. A young

man who dealt with Tom Foley in the organization did what he was told with the precision of the army. To do anything else was to have a swelled head, and a swelled head was political death.

For twenty-three years Foley led. In that period, the character of the neighborhood changed with the shifting tides of immigration. In the early days of his political activity the population of the district was almost wholly Irish. The Irish were so successful in politics that up to 1886 the Irish flag used to hang on the City Hall on St. Patrick's Day. In Foley's district, as the Irish prospered, they moved away and the Russian Jews came in. The Jews also prospered and moved on, giving way to the Italians, who in turn were followed by the Greeks. This particular neighborhood today has more nationalities than any spot in the city, because it borders on the water front. Through these changes Foley's leadership was not shaken, or even successfully questioned. Master of the situation, he always delivered satisfactory results. It is an accepted part of the East Side philosophy of life, of which Tammany Hall is a mere expression, that personal loyalty is high among the virtues. If Foley and the organization did a favor for a family, that family voted as Foley and the organization wished it to vote. It did not forget to go to the polls. It had no chance to forget. Foley and his lieutenants saw that it did not forget, although favors were done by Foley without asking any questions of the recipient about his politics. Foley relied on human nature

to get the political returns of gratitude. In these ways it was not different from other districts, except in the degree of efficiency with which this system was carried out. Even during the Harding landslide, when New York City, for one of the few times in modern history, went Republican for the presidency, Foley's district gave James M. Cox the usual huge Democratic plurality.

There was not any other kind of politics that meant anything to an ordinary family struggling for existence. The principles put forth by reformers, from time to time, meant nothing to the inhabitants except obstacles to their obtaining jobs. Warmth of life, mutual help between man and man, were tied up with the active, sympathetic organization. The poor were convinced that Tammany Hall was kind to them. Henry Ward Beecher used to say that he did not wish the devil to have the monopoly of all the good tunes in the world. That real expert in East Side affairs, and sympathetic leader of the people, Jacob Riis, said: "The saloon has had the monopoly up to date of all the cheer in the tenements." There were saloons in the Second Assembly District and Al Smith was also in their back rooms sitting around a table with his neighbors talking of many things about the neighborhood, including, of course, the most popular topic of the day—politics.

In the Wells Fargo book we find the following newspaper quotation: "Henry Campbell, the President of the Seymour Club, which is the anti-Tammany club of the

S. A. D., owns about twenty-five tenement houses in the Seventh Ward. He is fond of cycling." Campbell was now backing his young friend and fellow-cyclist for a better job. On the same page in the Wells Fargo book is the following, also from a newspaper: "Friends of Alfred Emanuel Smith, Secretary of the Seymour Club of the Second Assembly District, are quietly nursing his boom for the nomination for the Assembly."

Also this: "Alfred Emanuel Smith, the orator of the Seymour Club of the Second Assembly District, was a hard worker during the last two campaigns. He is ambitious to become a member of the legislature and is looking for the nomination in his district. He has announced that he will take the stump for Timothy J. Campbell next year, if he does not engage in a personal canvass."

He actually went to the Assembly in 1903. That was just at the time when William Travers Jerome, district attorney of New York, and the Committee of Fifteen, a group of earnest citizens, determined to clean up the poisoned spots in the city, had accomplished certain dramatic triumphs. The result affected Smith indirectly, as it affected the nature of Tammany Hall.

New York was not changing suddenly, but it had long been changing. A few years after the first anti-Tammany outbreak against Boss Tweed and his ring, it was a boss of Tammany Hall, "Honest" John Kelly, who helped to bring to the front reform Democrats, who included Samuel J. Tilden.

A tribute to the power of political education was given by Big Tim Sullivan himself, when he said that one song, putting in popular form the prevailing swindling, reduced the value of property on the Bowery by more than twenty-five per cent. Big Tim saw something. He saw that political standards and economic standards are connected. This is one stanza from the song:

I went into an auction store,
I never saw any thieves before,
First he sold me a pair of socks,
Then, said he, "How much for the box?"
Some one said, "Two dollars"; I said, "Three!"
He emptied the box and gave it to me.
"I sold you the box, not the socks," said he.
I'll never go there any more.

The man who was Boss of Tammany Hall during the most important part of Smith's career, Charles Francis Murphy, was a good friend of Smith's, and of the newer element in the organization. He was silent, but he thought. Although he had been a saloon-keeper, he had qualities which made it easier for the better element in Tammany to progress. In dealing with his district leaders, he sought to give promotion, when possible, to the more modern workers. In the career of Alfred Smith it meant much that Murphy's mind had seen the writing on the wall. More and more the boss came to admire and love the Governor, and his deft touch was felt in some

of Smith's most difficult experiences with his political enemies.

By the time that Smith was selected to go to Albany, he had begun to study national politics. The vivid campaign of 1896 took place six years before Smith entered the legislature. Bryan had challenged the money power of the East and embodied his challenge in a rhetorical attack on the gold currency standard. The business forces of the East, led by Mark Hanna, had responded confidently, and a bolting democratic ticket, headed by Palmer and Buckner, had been put up as an indirect aid for McKinley and the Republican ticket. The big opening gun of the campaign on the conservative side was fired by a Democrat, Tammany's foremost orator, Bourke Cockran. In the Wells Fargo book we find the famous "Cross of Gold" speech of Bryan, the speech of Cockran, and various other discussions of the currency issue. We also find beginning to make their appearance in that collection newspaper editorials of the modern popular type, of the sort in which important issues are taken up but are simplified and driven in with a technique suited to a large and untrained public.

Smith at that time, while inevitably far from the master of profound and truthful analysis that he became later, was forging his weapons.

When he reached Albany he did not like the situation. Many of the activities that had filled his life were behind him. There did not seem to be anything to do. He found

himself out of sympathy with the methods of amusement which prevailed among the commonplace assemblymen. There was a vice quarter of the town, known as the "gut," which many of them found exhilarating, but not Smith. He was happy in his family, his morals were simple and firm. He was not fond of poker. He took no interest in prize-fighting, popular among minor politicians. Although always liked by sporting men, he has never been much of a sport himself. He was sociable, but what he liked in human intercourse was conversation and song. He liked to ask questions. If somebody blurted out an opinion, he would answer, "Did you say so and so?" until he found out exactly what the man did mean. He was like a vastly simpler Socrates. In the back of his head he was a little sad that it was his function to register the decisions of an organization that did not think. At the end of his first term he was not sure that he cared to go back. He and Foley had breakfast together one day with Mayor McClellan. With the Mayor on his side, Smith could have had a place in the city government. However, both McClellan and Foley thought he ought to give Albany a longer trial. At the end of the breakfast Smith consented to go back for another term.

One of the three men who sat at that breakfast saw the situation differently from Smith. Tom Foley knew Smith. He knew his standards. Looking back to this decision, Foley once said:

"Al went up to Albany on his first trip to the Assembly

just as cocksure of himself as he has ever been in his life. He didn't cut much of a figure in the first two or three terms, but there was a reason for that, and if he won't tell, I will.

"He was too smart to be a morning-glory. The secret of his success is that he never mingles in anything that he doesn't know all about. He played a minor part in the Assembly until he was thoroughly familiar with the rules and procedure and with state legislation and finance in general. When he was sure of his ground he walked out, and it wasn't very long before he was the dominating figure in a legislative body hostile to him and to his political organization."

When Smith went to the Assembly in 1903, Foley gave him a piece of advice that was not needed, but that was the expression of a code: "If you make a promise, keep it; and if you tell anything, tell the truth."

And later when he was elected Governor this political godfather said to his gifted godchild, "Go on, do your best. I have given everybody orders to lay off and give you a chance to do your duty." Those who realize the pressure of office- and favor-seekers upon men in high public places appreciate what Tom Foley did to help Smith give the best that was in him for the State.

If one seeks to understand the school of the Tiger, rather than to pass an ethical judgment upon it, he could scarcely do better than to read what Governor Smith said about his old chief when Tom Foley died.

The younger man sat at his desk in the Capitol. The newspaper men were gathered around him. He had prepared a typewritten and rather commonplace tribute to his dead friend, but as the picture of the older man rose before his mind, the prepared statement was forgotten. A reporter on the *World* speaks of the phrases as having been "disconnected, with an unaccustomed hesitation in the voice and an absence of those harsh tones that have dominated many a political fight." He said:

"Shocked—at his age, of course. Now that it's all over, I can remember the way Dr. Nicoll said, 'He's in good physical condition for his age, but we're going to worry.' He said it two or three times. 'But we're going to worry' —I suppose he couldn't stand it.

"He didn't want to go to the hospital—he had terribly strong will power—he was walking around the house with pneumonia. I brought Dr. Nicoll down with me (Dr. Matthias Nicoll, Jr., commissioner of the state department of health) and he said, 'I'm all right; I just got a pain under my shoulder'—he didn't know what it was; he never was sick in his life.

"That was Tuesday afternoon at his house.

"Charley Brady persuaded him to get into a chair, and they carried him downstairs and brought him away to the Rockefeller Institute.

"He was very submissive in the end, but at the start he wouldn't let any one go near him at all.

"I heard he was dead at half past one in the morning.

As soon as the knock came on my door I knew what it was.

"He was seventy-four years old. He was about twenty-two years of age when he came to New York. He was a blacksmith. He used to swing the hammer. He came to New York and started a saloon on the corner of Oliver and Water Streets in 1872, and he remained over there all his lifetime.

"He's never been away from there ever since. I guess he knew everybody in the Fourth Ward.

"He was in politics practically all the time, but he was never very desirous of being in the front until after the election of Van Wyck. The force of circumstances drove him into the leadership fight in 1901.

"Nobody had the grip on the people that Foley had.

"Yes, he had two homes. One uptown on Thirty-fourth Street. When Mrs. Foley was away he would stay in Oliver Street, or when he was late at the club. He had the whole floor at No. 15 Oliver Street, and he will be waked there.

"He will be buried from the old church, St. James's. He was married there and his wife was christened there. He always came down to church in St. James's. I guess he's never been in any other church in New York except to go to a funeral.

"I knew him for forty years because I was born one block away from where he kept his saloon. I have known him all that time. I was intimately connected with him in politics since 1895. That's thirty years.

"He was responsible for my first nomination. He spoke to a man by the name of Henry Campbell, a big property owner and groceryman on Vesey Street. He called him into the back room of the café on Centre Street and said, 'You'd better dig up Al and ready him up. It looks as if this convention wants to nominate him.' That was for the Assembly in 1903."

The type of person who studies city politics in America with a critical eye needs no emphasis on its evils. Ethics, however, without understanding, are not a reflection of life. The machine politician of whom Al Smith was thinking as he spoke these broken sentences was a warm being, the incarnation of a system that is passing, but a being throbbing with generosity and relentless in the execution of his duty, as it was given to him to understand his duty.

As Tom Foley was carried away from his old red brick house, No. 15 Oliver Street, 10,000 people stood in the streets. Forty of New York's nationalities were there. Justices of the Supreme Court were among them, district attorneys, big business men, gamblers, gangsters. When the Governor of New York amid perfect silence walked into that house, there were present a judge and a man whom that judge had sentenced to prison. Sixty-five days after Tom Foley was buried, the Governor of New York was among those who saw Mrs. Tom Foley lowered into her grave.

Chapter III

AWAKENING

As we approach a transition in Alfred Smith's life, from the period when he was merely a member of the organization to the period when he began to be a force for progress, we may well grant truth to more than one explanation of what brought that change about. There is undoubtedly much in the interpretation we have quoted from Tom Foley, that Smith will not admit that he understands anything about a subject until the time comes when he understands everything. Probably more ideas were starting in his head, even in that disappointing first term in the Assembly, than he realized. There is a story, in which the form varies slightly in different versions, that even on his first night in Albany when he and another new assemblyman, Tom Cawlin, of the Battery, the district adjoining his, were together, Smith suggested they might put in the time by looking over some of the bills of the last session. Most of those bills were of the kind that referred back to some other bill, not explained, and then provided to amend that bill with some slight change of language. After they had looked over a bundle of such bills Smith is quoted by his friend as having observed: "I can tell a haddock from a hake by the look in

its eye, but in two hundred years I could not tell these things from a bale of hay." The Governor admits that he may have made this remark. If he did, he seriously underestimated the length of time it would require to give him an appetite for legislation and a mastery of it.

The Governor himself dates the beginning of genuine, active interest in his second term, in 1905, when he was put by Speaker Wadsworth on the Committee on Insurance. He says it did not start his mind going on legislation in general, but he admits he did throw himself intensely into this one first assignment that had any substance in it. He made a thorough study of the bills that resulted from the famous investigation of insurance evils conducted by Charles E. Hughes. Another event that stimulated him about the same time was a change in the rules, for which Smith gives full credit to Speaker Wadsworth, who has just completed two terms as United States Senator. Previously it had been the custom, when a motion was made from the floor, to make it in such form that it was almost impossible for those hearing the motion to have a genuine understanding of what the purpose of the motion actually was. Under Wadsworth's leadership, it now became necessary for any one making a motion to include in it enough to enable an attentive listener to understand its purport.

In 1907 Smith was put on the committee to revise the charter of the City of New York. This assignment gave him some nourishment also, and he has mentioned it as

one of the early developments that reconciled him to staying on in the legislature. If there was a chance to learn and work he was willing to remain. The problem with him was not to avoid work, as with so many, but to find enough to keep his powers in exercise. The work of charter-revision at least enabled him to study the government of the city and its relation to the government of the State.

The beginning of that steady development which ended in the mastery Smith ultimately attained, he likes to place in 1911, at the beginning of his work on the Ways and Means Committee. The occupation of the Ways and Means Committee is to appropriate money to particular purposes. It is a committee on which assemblymen from the big cities do not like to serve. The reason they do not like to serve on it is that practically all of its work consists in making appropriations for the rural districts. The rural member likes to be on it because he can strengthen himself with his constituents by securing appropriations for his locality. For a city member, there is no way of gaining personal advantage. In filling up this committee, the Republican party has no difficulty, since its membership comes largely from the country districts. Most of the Democrats in the Assembly, however, come from the big cities, and therefore it is almost impossible to find any of them who will take an interest. For this reason, Smith, when he actually became interested in the work, was practically the only Democrat who was. He

threw himself into it headlong. It gave him a task completely suited to his mind and character. He often says in explaining his career that the greatest thing Providence did for him politically was to give him an unfailing memory. It was no chore for him to make himself familiar with the public business, in detail, of every locality in the great state. Not only did he never forget anything, but he immediately and easily translated general phraseology into exact pictures and specific homely language. There was never any use in telling him that a certain department needed eight clerks, "Grade A." That to him was merely so many words. Smith had to know who these men were; what they did; why they were needed. If a building was to be built or a highway improved, the project would not receive the acquiescence of Smith until he knew exactly what it included, and how much it ought to cost. He is supposed to be the first person who ever refused to vote for an appropriation bill without reading and understanding every single word in it.

Smith soon realized that only a few questions that come before the Assembly are properly political. The remainder are business questions, that come down to the spending of money. Should money be spent by the state for a certain purpose? If so, how much ought the state to appropriate for that purpose, and exactly how should the purpose be carried out?

This idea of the distinction between political questions, few in number, and the multitude of questions properly

non-partisan in their nature, took a strong hold on Smith's imagination. He is a gay man, but it did sometimes sadden him that nothing seemed to interest his fellow-members except politics. He became so genuinely absorbed in the business side of legislation that it helped him make friends of assemblymen from every part of the state. It did not matter much whether these assemblymen were Republicans or Democrats. They found in Smith a man who cared about the needs of their districts, and had a matchless ability for understanding those needs. William Allen White has made the penetrating remark that Smith kept his old friends with his heart, and made new friends with his head.

This work on the Appropriations Committee was not only the road to broader relations with members of the Legislature, but also it made him interested in the work of other committees. Most assemblymen from New York City spend week-ends at home, and early in the session, as much of the rest of the week as they safely can.

He was at Albany almost every week, reading bills and reports, often attending meetings of committees outside his own. The ordinary legislator has some other business into which in one way or another he fits his position as assemblyman. Smith sought no such combination, as he had learned to conceive of the work as that of a man who is helping to spend millions of the state's money. Every moment of his time and every bit of his thought were not too much for the purpose.

There evolved, as he reflected on the evil of slap-dash and ignorant appropriation of money, one idea with which his imagination became excited at the time, and is excited still. "How can I make these men think?" Smith reflected. "Under the present system they will give what intelligence they have to politics, and nothing to the business of the State. Suppose, however, we were able to get them up here under conditions that would give them no politics to think about. Why not divide the work of the Legislature? Why not provide that every second session should deal with nothing except appropriations unless, in some emergency, the Governor should send in a special message about something else? This would seem to make it a necessity that half of the time at least the Legislature should do some thinking about its main business."

The need of some such measure to force more serious thinking about the business of the State was summed up in private conversation: "I am convinced that even to this day there are not more than ten men who could answer such questions as, 'How much money is appropriated for the building, maintenance and repair of state highways?' There are not ten men who could give you an intelligent reason for the increase in the amounts appropriated. When I was working on this committee, I would see the majority perfectly willing to appropriate $35,000,000 on quick roll-call without knowing what it was all about."

Much later, talking with his cabinet, on February 9, 1927, the Governor covered this same idea: "The Legis-

lature should meet for the purpose of general law-making only once in every two years. In the off year the activity of the Legislature ought to be confined entirely to the preparation of the appropriation bills and making provision for the support of government."

Smith's early development, as we know, came through personal contact with men, women, and children. His sympathetic nature lived with them through their needy lives. He saturated himself with human beings, but he did not acquire much of what is commonly called education. There was a gold medal in his school for general scholarship, but he did not earn it, as he earned the silver medal for speaking. As he likes to say, the Executive Mansion at Albany is hung with the diplomas of his children, but there is no diploma for him. As he passed out of school into the support of himself and those dependent on him, he felt this lack of education. He felt it in the fish market, and again in Brooklyn, when he saw the difference between the work of a receiving clerk who had a certain amount of education, and the work of a receiving clerk who was a mere laborer. But although he felt this lack of education, he did not go out to remedy it, as some strong men have done, by their own reading. It is sometimes said that his favorite books are Job and the Gospel according to St. Luke. Such statements, however, will not bear much emphasis. He craved education, but he was so built that he had to get it in his own way. He had always read newspapers, for the current political facts and com-

ments. At the same time, he had never become a hard and thorough reader until his task led him to documents, bills, and figures. This truth is perhaps connected with a singular concreteness of his mind. Never was a brain more specific. He does not start from an interest in general principles and proceed to an interest in detail. He starts with the problem in front of him, and the mastery of that special concrete problem is what leads him to his general principles.

With the Ways and Means Committee, as a force awakening Smith's mind and expanding his horizon, must be placed his work on the Factory Commission. The State Factory Investigating Commission was the result of a terrible fire, in which 145 girls, working in a shirt-waist factory, were burned to death, or killed by jumping to the sidewalk. A tragedy like this was needed to call the attention of the citizens to the fact that, while they had some factory laws, even the laws which they did have were not enforced.

By an act of the Legislature, dated June 30, 1911, the following Commission was appointed:

Senator Robert F. Wagner Senator Charles M. Hamilton	By the President of the Senate
Assemblyman Alfred E. Smith Assemblyman Edward D. Jackson Assemblyman Cyrus W. Phillips	By the Speaker of the Assembly

Mr. Simon Brentano
Mr. Robert E. Dowling
Mr. Samuel Gompers
Miss Mary E. Dreier
} By the Governor

The Commission was required to report to the Legislature on or before the fifteenth day of February, 1912. This date was extended for a year.

The Commission organized on August 17, 1911, by electing Robert F. Wagner chairman; Alfred E. Smith vice-chairman; and by selecting Frank A. Tierney as secretary. It appointed as chief counsel Abram I. Elkus, who selected Bernard L. Shientag as his assistant.

It was charged with the duty of inquiring into the following matters:

1. Hazard to life because of fire; covering fire prevention, arrangement of machinery, fire drills, inadequate fire escapes and exits, number of persons employed in factories and lofts.

2. Danger to life and health because of unsanitary conditions; ventilation, lighting and heating arrangement, hours of labor.

3. Occupational diseases such as industrial consumption, lead poisoning, and bone disease.

4. Adequate inspection.

5. Manufacturing in tenement houses.

6. Laws and ordinances already existing, and the ex-

tent to which they were enforced. It was to recommend what new legislation might be needed.

The Consumers' League, the Committee on Safety, the New York Child Labor Committee, and many economists and psychologists were united in this work for a single purpose. As a result of their efforts, the state of New York wrote on its statute books what is generally held to be the most enlightened labor code in the country.

Smith was ready to be impressed by the kind of facts turned up by this Commission. He was already the favorite representative of the Federation of Labor in such matters. He was a man of the people and his natural sympathies were with those who stood most directly to benefit by factory legislation. He belonged to the party which drew its strength from the industrial masses in the city, as contrasted with the Republican party, which represented big business in the cities and the rural voters. Any legislation, therefore, that affected the industrial masses would be received by Smith sympathetically, on human grounds, and also on the grounds of his own party's natural obligations. The Commission sought its information all over the state, and Smith, according to his habit, saw everything and forgot nothing. It gave him much new material for his humane tendencies.

Moreover, this experience gave him a new set of friends whom he has never lost. It is often supposed that his greatest popularity is among the masses. This conclusion is much to be questioned. It is probable that when it comes

to an election there is today no group of people in the state whose votes go to him with as close an approach to unanimity as the vote of the social workers. The acquaintance with them, which began early in his career but was enlarged during the work of the Factory Commission, has resulted in a permanent set of contacts which has given him a body of expert help which any progressive legislator and executive needs. Smith was quick to realize their value. For years he had been oppressed by the absence of general ideas and general purposes in both political organizations. Those general ideas and general purposes were now made available to him and he has never for one moment ceased to use them.

One who reads the three volumes of this Commission's report, if he is familiar with the speeches of Smith, will realize how many of the ideas expressed became his own. He has repeated, again and again, the leading principles there laid down. An example is this: "Health is the principal asset of the working man and the working woman. The State is bound to do everything in its power to preserve the health of the workers, who contribute so materially to its economic wealth and its industrial prosperity. . . . Indifference to these matters reflects grossly upon present day civilization, and it is regrettable that our state and national legislation on the subject of industrial hygiene compares so unfavorably with that of other countries."

Of the importance of the work the Commission said:

"New York is the first state in the Union to authorize a general investigation of the conditions in manufacturing establishments within its borders. Several other states have appointed commissions which were limited in the scope of their investigations, such as the Illinois Commission on the subject of occupational diseases, the Massachusetts Commission on factory inspection, and the various commissions on accident prevention and employers' liability. It remained for the state of New York to lead the way with an investigation of factory conditions general in its scope and character."

The Commission points out that factory workers are in special need of protection and supervision. Among them disease finds its easiest victims, as the death rate shows. Often indeed has Smith pressed home this thought.

The long, hard program thus presented to the enthusiastic member of the Commission who most concerns us is of scarcely less importance in our history of a growing mind than is the vista opened up to him by the Committee on Ways and Means. It was a different picture, but the two supplemented each other. The one gave the active-minded but undeveloped young politician a chance to master the technique of legislation as it should be. The other told him about the purposes for which the work of legislation could be used. It was not a beginning for him, but it was an enlargement, and it was the best possible set of new contacts.

Smith was now to study in several industrial centers.

He visited all kinds of factories with members of the Commission and their force of inspectors. He was in factories where he knew that little children, who had been at work there a few minutes before, were huddled into an elevator and held there between floors until the Commission's visit was over. He saw whole families, mothers with their children, little boys and girls, working all the daylight hours and seven days a week in the canneries and the fields.

The Commission, in its first year, held fourteen public hearings in the city of New York, and eight in the cities of Buffalo, Rochester, Syracuse, Utica, Schenectady, and Troy. Two hundred and twenty-two witnesses testified, and 3,489 pages of testimony were taken.

Meantime a staff of from eight to ten inspectors, engaged in field work, for a period of five weeks, covered twenty industries. Among those investigated were printing, tobacco, chemicals, bread, candy, ice-cream, pickles, sugar, drugs, mineral water, meat packing, artificial flowers, paper boxes, clothing, corks, rags, textiles, human hair, cleaning and dyeing.

Smith is right when he emphasizes what his faultless memory means in complicated experiences such as this. Perhaps, when human suffering is concerned, as here, his habit of translating everything into terms of life counted as much.

It became his special province to see that the resulting legislation was passed by the Legislature. The thorough-

ness with which he met this duty was destined to be in large part the basis of his eminence. Of the situation the report said: "It is of great importance to state clearly that the bills proposed by the Commission have been presented in such form as to justify no modification before enactment into law. We declare distinctly that we have asked for no more remedial legislation than is imperatively demanded by the present conditions in the factories of the state.

"The most important recommendation that the Commission presents deals with the reorganization of the Department of Labor. Furthermore, the most important feature of this reorganization is the proposed creation of the Industrial Board."

To make clear to business men that legislation to preserve and promote human welfare is desirable has developed into a major purpose of Smith's life. It is a purpose for which by this time he was completely fitted.

The importance of this factory investigation is registered in a report by the New York State Federation of Labor, which says: "Your legislative committee desires to call the attention of the delegates to the great number of bills cared for at the last session, and the unprecedented number of labor laws placed on the statute books of this State. No Legislature in the history of the State Federation surpassed the session of 1913 in the passage of so many or so important remedial measures for wage-earners of New York State, and we doubt if any state in

the Union can now compare with our Empire State in its present code of labor laws. The result this year is due to the State Factory Investigating Commission, of which Senator Wagner is chairman and Speaker Smith vice-chairman."

An important part of Smith's life is the devotion and completeness with which he understood the program, and the shrewdness and driving energy with which he carried it out. He acted as majority leader in the House in 1911, as minority leader in 1912, as speaker in 1913, and as minority leader again in 1914 and 1915.

The leadership of the majority in 1911 gave him his legislative opportunity, for with it came automatically his appointment by the Speaker as chairman of the Ways and Means Committee. The majority leader, as floor leader, is the first to be recognized by the Speaker on every bill before the House on which he chooses to speak. He is expected to be able to debate its merits or faults and must therefore know its contents. This responsibility naturally led Smith to study carefully the legislation the Assembly considered.

In whatever position he happened to be, he made himself felt not only for knowledge and tact, but also for positiveness and will. Whether it was in a party caucus or on the floor of the Assembly, his firm voice and emphasis marked a determination to have business carried out. He had then, and to a certain extent still has, a trick of bringing out the last word in a sentence like the crack of a whip.

His voice, strong by nature and trained indoors and out from childhood in a rough and tumble school, is powerful, elastic, and often harsh. His fellows and associates had no passion for the program. Many of them were likely to be absent on important occasions. The leader had frequent occasions to read to them the riot act or, to use another American expression, to put the fear of God into their hearts. He was a pleasant boss, but not an easy one. He knew his people, and his rough determination gave no offense. As he sat in his chair, banging his gavel, or shouting at some speaker to hurry along, he made on many observers the impression of being much taller than his five feet seven inches. His face might be in repose or it might be lighted with expression, but it always showed that the mind behind it was active and intent upon its duties. The mild blue eyes were easily aroused, and when they did begin to shine, they were like a fire fed both by intense thought and by emotion.

In the *Knickerbocker Press* of a January issue in 1913 appeared an article called "Alfred E. Smith, the Power Who Rules over the State Assembly." The author says: "Speaker Smith is running the Assembly and nobody else. He is conducting it on a business basis. There is no dilly-dallying. Nobody has to put their hands to their ears to hear what he is saying. His powerful voice is at times almost sinister."

A letter to the *New York Times* dated March 29, 1913, was called "Our Honorable Legislators." It is inac-

curate about some of Smith's history, but it successfully conveys an impression of his behavior. The writer says: "Speaker Smith, who I am told was once a barker at Coney Island and a vaudeville performer, yells with hoarse, raucous voice from the Speaker's table as if he were at Coney, and pounds his gavel as if he was pounding on one of those sledge-hammer affairs at Coney which are supposed to show how strong you are. He ate luncheon during the session and at times talked with food in his mouth. There is a complete lack of dignity. At times bills on the calendar are rushed through at the rate of eight a minute by a process of antiphonal mumbling by the clerk and Bull-of-Bashan-like roars from the throne behind, 'Read the last section,' 'Call the roll,' 'The bill is passed.' The roll is not called—just a name or two and the clerk says so many ayes and noes none. I timed the work and found that when running full speed the bills were enacted at the rate of eight a minute."

Smith's wit differs from that of Lincoln much as the whole nature of the lively Irish city boy differs from that of the brooding pioneer from the woods of Kentucky and Illinois. It was with one sentence that he beat the attempt of certain canning interests to weaken one of the most important recommendations of the Factory Commission. That recommendation was in favor of one day's rest in seven. Those canning interests which were endeavoring to prove that they should be exempted from this provision had been able to induce a number of clergymen and other

respectable citizens to go to Albany and plead for the exemption. Smith rose in his place and made the following observation: "If these distinguished champions of women and children were to rewrite the divine law I have no doubt they would change it to read, 'Remember the Sabbath day to keep it holy—except in the canneries.' "

When the Democratic Highway Commissioner turned in his resignation to Governor Whitman, the minority leader was indignant. There were reasons why he felt he should have stuck to his post. It happened that later in the same evening Smith heard that the Commissioner had slipped on the pavement while leaving the Capitol and had injured his arm. "He couldn't have hurt his backbone," said Smith. "What he has for a backbone is a strip of spaghetti that has been soaked over night in hot water."

The amount of work he undertook was expressed by Smith himself when he said that it was almost physically impossible for one man to attend to the duties of floor leader and chairman of the Ways and Means Committee. Cutting down the estimates for appropriation in 1911 by $11,000,000 represented for him, as leader and chairman, from eighteen to twenty hours a day for nearly three months. This is to speak of a high spot, to be sure, but the general volume of work he required of himself during these fertile legislative years was such as could have been borne by nobody without a first-class constitution and a bounding disposition. He was helped not only

by his rugged physique and his long habits of labor, but by his happy home and his Irish cheerfulness, which let him step from the most intense application to a song and a jig.

This lighter side of Smith's talent is something that it is almost impossible to convey except by direct contact. Those who hear him make a speech feel it strongly. It reaches even those who listen to him on the radio, without seeing his mobile face. Most of all, it carries away those who come into social contact with him.

As time has passed, he has related his gift of narrative, mimicry, burlesque, popular wit and humor more closely to his important purposes. Those gifts have been a power through his whole life. In Albany, as in New York, he was building up a following that rested on his personality. It is true that the most important story is the story of growth in power to deal with large affairs, and the public's appreciation of that power. It is also true, however, that this rise has been made possible by his popularity. The few who have memories of him as a boy put their emphasis on his personal charm, his recitations, his acting, his songs in the engine house, his funny stories, his imitations of actors of his time. It was not for nothing that he came in daily contact with the mixed masses of the cosmopolitan city. Thanks to his relentless memory, backed by his keen observation, he has stories today that involve long stretches of the kind of Neapolitan Italian heard on the East Side. Naturally, in the character sketches and

anecdotes involving his own nationality and its fascinating brogue, he is at his best. He knows enough Yiddish to picture Jewish characters with vividness. Sometimes he undertakes the Englishman, but those stories are inferior, because they derive not from actual experience, but from what he has seen and remembered from his theater days.

Smith loves to talk. Reminiscences of people who have known him at Albany describe him with nine relatives eating in a restaurant, or with a group of the boys chatting indefinitely at a resort known and frequented by politicians. On such occasions Smith takes the lead with an appeal that does not permit itself to be transferred to the printed page. Mimicry cannot be transferred to print, nor can liveliness of manner, nor that species of humor, loved by Americans more than by other nations, that is closely related to the humor of childhood, depending on high animal spirits, good will, and rough effects. Again and again, it happens that a person who has been captivated by hearing Al Smith tell a long story, setting the characters in motion, full of exaggeration, full of action, will undertake to repeat this story. The person who thus gets it at second hand is almost certain to be disappointed. The life of the anecdote has not been in some meaning capable of concentration and transfer from person to person, but the complicated details of life, usually farcical and highly colored, have nevertheless built up a glowing picture.

Smith's list of achievements is what has attracted to him the best intelligence of New York State. It is the charm of his personality, however, that has given him the loyalty of hundreds of politicians who care little or nothing for the important things pending in the back of his head. For the first two years of his residence in Albany he roomed with Jack Yale, known as that member of the Legislature who never talked, but who could get things done more surely than any other Republican. Yale adored Smith, not because Smith was a statesman, but just because he was Al. He adored the lively, affectionate, breezy, gifted friend and story-teller; and Yale was one of hundreds.

Lincoln had no friends. Outside of Lafayette, George Washington had no friends, in the sense of close and warm affection. These men dwelt apart. Not so Smith. An experienced Republican politician said to one of the authors of this book, "If everybody in New York State had a personal acquaintance with Al Smith, there would be no votes on the other side." There is nothing to put Smith apart from the men in the street, except his brains and his industry. In his enjoyment of life, he is one of the majority. The stories, limitless in number and easily remembered, the witticisms, quick and appropriate, even if not always convincing, the popular songs ever ready to spring to his lips, the dance steps ever ready to go with the snatches of song—these things endear him to the human beings around him and they also are part of his working power. They protect him from strain. In that

respect, they perform for him the same service that humor performed for the lonely Lincoln.

There is no line of cleavage between the rush of popular and not too finished anecdote, imitation, and jocosity that captivates ordinary people and those occasions when his wit plays an important part in the victories of his mind. For example, in one of his campaigns, he made a speech in the Metropolitan Opera House. Every seat in the vast building was occupied, and the aisles were crowded, but the framework of this speech was a theatrical entertainment. He introduced to the audience the Republican leaders. They were not present in fact, but the audience was easily led to picture them. They were on the stage talking among themselves about their policies and the Democratic policies. Every one of the thousand persons in the audience was as amused as if he had been sitting through a brilliantly successful comedy. At the same time, everybody in the audience also understood the serious policies that were there dissected, and almost every one in the audience loves to tell about that occasion to this day.

At another time Smith, as Governor, confronted a most annoying situation. He had favored daylight saving. The less intelligent farmers had opposed it. Particularly it was opposed by the head of a grange who was presiding at a dinner at which the Governor was to speak. This presiding officer undertook to be funny. As he looked at his watch, he seemed to think it was eleven o'clock in the evening, or

perhaps only nine o'clock, and ended up with the words, spoken with impatience: "I don't know what time it is. I present his Excellency, the Governor of New York."

Smith started soberly. He said leadership was necessary in any walk of life; it was necessary in business; it was necessary in politics; it was necessary in agriculture; "and you can't make a leader out of a person who cannot tell what time it is."

On another important occasion, this time in the Assembly, he was arguing in favor of workmen's compensation. (The farmer members opposed the bill because they were afraid that farm labor was to be included among the groups entitled to compensation for injuries.) As Smith pointed out the benefits flowing from this policy to laboring men and laboring women, near the conclusion of his speech he was interrupted by a member from an agricultural community who asked the question: "What good is a Workmen's Compensation Law to a farm laborer out of work?"

A dozen Assemblymen jumped up clamoring for recognition so they might answer the question which appeared to them so ridiculous.

The Minority Leader, however, insisted that he be given the privilege of answering the question himself. Turning to the questioner, he said: "As I was walking down Park Row this morning, a friend of mine tapped me on the shoulder and said, 'Al, which would you rather be, a cellar full of stepladders, a basketful of doorknobs or

a piece of cracked ice?' and I replied I would rather be a fish because you can always break a pane of plate glass with a hammer."

The man who had asked the question seemed bewildered and startled; he stuttered and sputtered, and finally addressing the presiding officer said: "Mr. Speaker, I certainly do not get the point to the gentleman's answer," whereupon Smith in a loud voice said: "You don't get the point to my answer. Well, let me say to you that there is just as much point to my answer as there is to your question. This bill is a meritorious measure, and its passage should not be impeded by unnecessary delay, due to the propounding of silly questions and foolish answers. I move the previous question."

The reader will have to put a good deal of strain on his own imagination to make up for his ill fortune in not being personally acquainted with Smith. He has access to an assortment of humorous stories but there can never be any possibility of knowing from pen and ink the fun-loving, warm-hearted lover of his fellow-beings. He unfailingly gives a good time to his companions. He wins their devotion because he loves them, helps them, leads them, and amuses them. You see in this book a picture of Al Smith at the age of four, carrying a pail, on his face an expression of sweetness and thought. You see another picture of the Governor of New York, and the outstanding qualities are penetration and force. Many a picture is stamped by vivacity, but not in a photograph, any more

than in a written word, is it possible to catch the whole of that elusive thing that we call charm or good fellowship or lovability. The boys who sat around the table at Albany telling stories or who went to the Minority Leader, or the Majority Leader, as he might happen to be, or later to the Governor, to talk about their desires and troubles, will never find in any picture or any volume the Al Smith whom they love. The great expert can be described; the triumphs of the brain can be put down; but those bonds of steel which rivet friendship and personal loyalty are known only to the thousands who are the Governor's personal friends.

At the wedding of his daughter, Emily, there were two thousand guests. The Governor made no effort to show his intimacy with each individual, as some awkward politicians often do. It was quickly and easily that he met each human being, as he or she entered the room, greeted his old friend, perhaps not seen for twenty years, as Tom or Alice, and showed in some rapid word that the old life was not forgotten.

In picturing the power, rapidly increasing, of Smith at Albany, there is a third element to consider in addition to his popularity and his brains. That is his knowledge of machine politics, both Democratic and Republican, and his ability and willingness to use that knowledge for the purposes in which he believed. He was never a person to strain at a gnat. If he could bring about the passage of an important measure by granting to some politician a trivial

favor, he granted it, even though he could not have any respect for the politician's aims. Those were the days of the Black Horse Cavalry. That graphic expression was born to designate a group of politicians and lobbyists both in the Senate and in the Assembly, who used their positions to make money; and they did it with complete and easy cynicism. It was the time when strike bills flourished more than they do today. A strike bill is a measure introduced, not in the hope of passage, but in the hope that those pressing it will be well paid for withdrawing it, or allowing it to die. Big Tim Sullivan was a power, and many a Democratic politician was glad to dance to the tune he played. John Raines, Republican leader of the Senate, was a power, and in morals there was nothing to choose between the parties, although the Republicans had a larger number of men of some information and intelligence, which is not saying a great deal. To Smith these members of the Black Horse Cavalry were human beings. His complete knowledge of their psychology and doings has stood him in good service. In the four terms in the Governor's chair, as well as in the years in the Legislature, there has been no success when a politician has gone to him with a lot of false reasons for his position. Smith has usually known his history and the motives which have actuated him from the beginning. Thus "bunk" has been one of his favorite words, and he has applied it freely to politicians to their faces. Seldom, indeed, is a person so equipped in manner and disposition to tell any one to

his face the most damaging things and not make an enemy of him. It is the same quality that has enabled Smith to refuse an appointment to an applicant and yet send him away still his friend. It is a mixture of sympathy, kindliness, charm, and audacious honesty.

During the session of 1913, which, in Smith's own opinion, did more to stir his mind than any other single year, the outside world naturally paid a good deal more attention to the fact that he was the leader of the majority in which Tammany Hall predominated than it paid to those signs of growth which could not yet attract much attention at a distance. It was in this year that the Citizens' Union, a non-partisan civic organization well known in the city of New York, said, "Smith showed not the slightest evidence of independence." The New York *World* spoke of the so-called unbossed Democratic caucus as "Charles F. Murphy at one end of a telephone wire and the Democratic leader at the other end." When the caucus is bossed, "Mr. Murphy is in Albany in person and issues his instructions directly." The newspaper goes on: "Who can fail to sympathize with A. E. Smith, majority leader of the Assembly, in his denunciation of the insurgents for the refusal to come into this body and fight the thing out in the open?"

The colors painted by outside independents were true, but they were not all the colors. Senate Leader Tom Grady, an old type Tammany man, was turned down by Murphy at the request of Governor Dix, and the man se-

lected as Senate leader was Robert Wagner, now of the United States Senate, one of the most serious and progressive members of the Democracy in New York State.

It was never any too easy for outsiders to know what Murphy did favor. He always allowed appearances to indicate a harmony between him and the majority of the district leaders, but at the same time he was frequently helping a small number of the more intelligent leaders to win in the end. In the fight for direct primaries, for example, it is worthy of note that Frisbee, speaker of the Assembly, while the fate of the measure was in doubt, threw himself into the breach and openly led the battle for direct primaries. The newspapers of the day referred to it as an anti-Murphy move. On the income tax, nothing could be got out of Murphy more explicit than "I have nothing to say. I am not a member of the Legislature." The most graphic illustration of Smith's voting with Tammany men was when he cast a ballot against the policy of former Governor Hughes on race tracks. Hughes had undertaken to put them out of business and had stirred up the whole state with a moral issue. Moral issues, in the particular sense in which they were the most important reliance of Governor Hughes, were not a natural part of Alfred E. Smith. He had his own morality and courageously followed it through his whole life. It was in a tradition widely different from that of which Governor Hughes was a distinguished part. Smith took no personal interest in racing, but he voted for the Gill bill which pro-

vided for the revival of race tracks, although that bill in the end had only sixty-eight votes.

There has never been a time when Smith's morals did not include fidelity to platform pledges. On the heated question of whether United States senators should be chosen at conventions, or at direct primaries, Smith said in this session: "When the people last fall threw the government of the State into our hands, it was not merely to elect John A. Dix governor; it was to bring about a redemption of our party pledges, among them the securing, so far as lay within our power, of direct election of United States senators. It is our duty to keep faith with the people in one of the most important questions now before the country."

Before the passage of the Workmen's Compensation Law, injured workers were compelled to sue under what was called an Employers' Liability Act. This Liability Act had been drawn under a view of society that had come down to us from the days when there were no factories. If two men were working with a third man, and one of them was injured, it was the law that the employer was not responsible unless the accident had occurred without the negligence of either of the other two employees. The employee was responsible for being careful himself, and also for seeing that the other man working constantly under his observation was careful also. It took the law a long time to realize that under modern conditions no sense

was left in this fellow-servant rule. After the construction of machinery and factories it meant that hundreds of men and women were working together, any one of whom might be killed through a defect caused by another workman, whose post of labor might be hundreds of feet away. One workman in such a factory knows nothing about the carelessness of another workman. He has no power to know about the safety of the machinery itself, or to cause improvement if he does reach the conclusion that certain changes should be made. If the rules of a simple and outgrown civilization are to be applied to an enormous modern factory, it means that the laboring man and the laboring woman are to suffer for errors which they have no way of preventing. When a worker sued under the Liability Act, he had to come into court and positively prove that the accident did not result through his fault or through the fault of a fellow worker. The world was full of cripples who went to the poorhouse because they lacked the money to pay skilled lawyers to meet the skilled lawyers who protected employers and casualty companies. The bill before the New York Legislature in 1911 shifted the burden. It was not a Workmen's Compensation Law; it was an Employers' Liability Law. The change was an upheaval. Albany was flooded with powerful special interests, their high-priced lawyers, their lobbyists and their financial agents. The arguments put forward by these representatives may seem fantastic now, but at that time the people who seemed fantastic to the

average business man were those who sought to change the responsibility and put it in accord with modern facts. The lawyers for the factory owners, for the insurance companies, and for the casualty companies, argued that if the proposed legislation should be carried out, a workman would intentionally lose an arm or leg in order to collect payment. This was not a joke. It was put forward with heartfelt conviction. Fortunately Smith had not only sat on the commission and filled himself up with testimony, but he had been a workman himself and had known workmen all his life. He was equipped in every way to prevent attempts to take the heart out of the bill by introducing language that was in legal effect deadly, although it wore the look of innocence. The bill passed and put New York State on record as believing that wear and tear on the human factor is a normal risk to the industry itself in exactly the same way that the wear and tear on physical machinery is a risk to the industry.

This particular fight was not ended when the first legislation was passed. The interests on the other side were powerful and determined. They used the courts and upset the first bill. There has been a happy ending to the story, but one of its stages is the passage of an amendment to the law by the Republicans when they had the majority in 1915. It permitted direct settlements between injured workmen and insurance companies without recourse to the machinery provided by the Workmen's Compensation Act. The working of Smith's mind, his method of argu-

ment, and his style may be seen in the following extract from a speech against this proposal:

"And for whom are you of the majority doing all this? Do the manufacturers want it? Does the workingman want it? No! Does the Legislature want it? No! And if it hadn't been for old King Caucus you could never have passed it. Does the Compensation Commission want it? Then what other interested party is there? The Casualty Company! That's who you are working for.

"This Thorn bill that provides that the employer must make advance payments on awards to the injured workmen caps the climax. It cinches the job for the casualty companies. It gives them the final club they need. They can now force the direct settlement. The agent can shake the long green [paper money] before the widow or suffering laborer and tell them if they sign away their rights they can get so much but if they wait they can take their chance on getting something months hence. That carries us back to the good old days when we had no Compensation Law. Be honest and repeal the whole law and stop faking.

"You and your Governor have ruined the Compensation Law. You have gone the limit for the casualty companies. The people's case is lost."

It was not lost permanently. After many complications New York has a satisfactory Workmen's Compensation Act today and the final chapter was written by Smith himself as Governor in 1919, his first year in office.

He appointed a special Commissioner under the Moreland Act who exposed the workings of the direct settlement clause and through this report Smith secured its repeal. That he is the one person to whom most credit for the protection of the Labor and Workmen's Compensation Acts is due there is no one to deny. Organized labor has affirmed it. It has been again and again affirmed by the social workers who have devoted themselves to the cause. The employers of labor themselves have by now many times asserted that they would not wish the Workmen's Compensation Law repealed.

The Factory Commission recommended that night work for women be forbidden. It recommended that the fifty-four-hour week for women be accepted as a present basis, with a forty-eight-hour week as a desirable objective. It stated that women and men should not be allowed to work in the same core room and added that the foundry is not a proper place for women. The energy shown by Smith in pushing legislation intended to protect women from the harshness of modern industry won him many friends among such organizations as the Consumers' League and the type of women they represent.

He has never represented himself with more credit than in his famous short speech on widows' pensions. For a long time a small group of women in New York had been working against the indiscriminate separation of families, when relief was needed, by taking the children to an institution, regardless of the character of the mother.

Their idea was that if the mother was a fit person, she and not some institution should be made the agent of the State. These women brought the fight into the Legislature in 1913. A commission was appointed to look into the subject. The result was the Hill-McCue bill of 1915. It was fiercely fought. Smith's speech proved a dramatic factor. It was delivered on March 24 at the third reading. As he sat down there was a short pause, then an outburst of cheers. He said:

"Mr. Speaker, in the recent campaign and in the campaign previous there was contained in the platforms of the two great parties a plank which pledged the parties to the conservation of our natural resources. As I see this bill and as I view the policy on the part of the State in reference to such matters, I am of the opinion that this bill should read, 'An act to conserve the family life of the State.'

"What happens when death takes from the family the provider? The widowed mother goes to the police court or to the charity organization and her children are committed to an institution, and from the moment the judge signs the commitment the people of the city of New York are bound for their support. Let us see what effect that has upon the State itself. The mother stands in the police court. She witnesses the separation of herself and her children. They are torn away from her and given over to the custody of an institution, and nothing is left for her to do but to go out into the world and make her own living. What must be her feelings? What must be her idea of

FOUR TIN-TYPES FROM THE FAMILY ALBUM

Top Left: Mary Hartley, Alfred E. Smith, John J. Glynn, Harry Mulvihill, Lillie Mulvihill, and Catherine Dunn. *Top Right:* His sister Mary (now Mrs. John J. Glynn) at fourteen years of age. *Bottom Left:* Alfred E. Smith, Fred Herdleng, Mrs. Alfred E. Smith, and Miss Norah McCarthy. *Bottom Right:* Alfred E. Smith, about twenty-one; Mrs. John Glynn, Mary Hartley, and Catherine Dunn; Foreground: Mrs. Smith, Sr. (the Governor's mother), Uncle Peter Mulvihill, Jennie Mulvihill, and Harry and Lillie Mulvihill.

ASSEMBLYMAN AND MRS. SMITH AND THE FIVE LITTLE SMITHS AT FAR ROCKAWAY ABOUT 1910

AT SIXTEEN

the State's policy when she sees these children separated from her by due process of law, particularly when she must remember that for every one of them she went down into the valley of death that a new pair of eyes might look out upon the world. What can be the feelings in the hearts of the children themselves separated from their mother by what they must learn in after years was due process of law, when they must in after years learn to know what was the State's policy with respect to their unfortunate condition?

"That is the old system. That is the dark day we are walking away from. That is the period that, by this policy, we are attempting to forget.

"What new policy does this bill inaugurate? What new system does this bill inaugurate? The State of New York, under the provisions of this act, reaches out its strong arm to that widow and her children and says to them, 'We recognize in you a resource to the State and we propose to take care of you, not as a matter of charity, but as a government and public duty.' What a different feeling that must put into the hearts of the mother and the children! What better citizens that policy must make! Why? Because it instills into that young heart a love, a reverence and a devotion for the great State of New York and its sovereign power.

"We are pledged to conserve the natural resources of the State. Millions of dollars of the taxpayers' money, untold and uncounted millions, have been poured into that

channel. We have been in a great hurry to legislate for the interests. We have been in a great hurry to conserve that which means to the State dollars and cents. We have been slow to legislate along the direction that means thanksgiving to the poorest man recorded in history—He who was born in the stable at Bethlehem."

In the session of 1913, as a result of the Roosevelt campaign of the year before, there was in the Assembly a Progressive bloc of four, and there was one senator. The Progressives were keenly interested in suffrage for women. At this time Smith was not particularly interested in the principle. It cannot be said to be one of the topics on which his imagination has been inflamed. Tom Foley, his leader, was a bitter opponent of suffrage.

Nor was that other so-called liberal doctrine, the direct primary, a matter into which he put much personal warmth, although he has effectively represented the position of his party. This was also a matter in which the Progressives were interested, and it was a leading tenet of the Democratic governor, William Sulzer, the impeachment proceedings against whom did much to occupy the session and prevent harmonious action of the party. The direct election of senators was on the same principle.

It is possible that Smith's limited enthusiasm for these measures, although he supported them, was not entirely unlike the position of Woodrow Wilson. Wilson for a long time was opposed to direct primaries on the ground

that the basis of our Constitution was representative government rather than direct government. The idea on which it rested was that a group of men selected for their character and ability and brought together in a body for consultation and action would represent a better conclusion than could be reached by a lot of voters voting as individuals with no such possibility of consultation. George U'Ren of Oregon was able to change Wilson's mind in 1912 by pointing out to him that this constitutional theory of government no longer worked, and that legislatures, instead of recording the results of deliberation, recorded the wishes of bosses and of corporations. It is a subject on which two theories, both of them sound, came into conflict. It is not capable of conclusive demonstration. It is therefore not the kind of issue that should be expected to make the strongest appeal to Smith's powers.

How far Smith had already grasped some of the principles for which he is still fighting today, came out vividly in the important work of deciding how much of that natural wealth, water power, was to remain under the control of the public, and how much of it was to be segregated for the benefit of an enterprising few. As Smith, with easy mastery, exposed the nature of the bill called the Machold-Sweet bill, introduced in 1915, which pretended to be a reorganization of water power control for the purpose of economy, we are made to realize that he was a conservationist before that word became as popular as it is today. We find a straightforward, shirt-sleeved attack,

but at the same time an understanding of the essential issues, and all the methods by which smooth politicians and their wealthy backers protect their predatory interests. The Democratic leader says:

"There is a very long history behind the fight to wrest from the power men of the State the control of the State's water power and its development for the benefit of the people, and if I am able to read that which is between the lines plus that which you attempt to do by the first print of your bill, I think I am able to discover the artful hands of the power interests behind this bill. . . .

"So generous were you with the Niagara River that the Falls themselves were threatened with destruction, and the federal government took a hand in the regulation of the Niagara River; and it was predicted at the time the agitation was going on at the national capital that unless you were brought up with a round turn, in ten more years no water would be flowing over the precipice that makes the American side of the Niagara Falls. . . .

"I said at the outset that I thought we were doing a little more than saving a few dollars, a little more than removing a few Democratic office holders. I think we are again clearing the way, rolling up the gates, making shining the path for the water power men to come back and grab these rights of the people.

"If we are not doing that, we are at least preventing the State from developing it under state ownership and control."

Smith was successful. Amendments were offered to correct the evils he pointed out, and the result of these exposures and amendments was that the bill did not pass. Thus a few months before the Citizens' Union, the New York newspapers, and the progressive and reform world in general came over definitely to the support of Smith, he was taking part in one of the most important aspects of the present-day fight against privilege.

At this period it was Murphy's custom to meet with the legislative leaders and other advisers on Friday evenings at dinner at Delmonico's. Smith often attended these conferences with Wagner, who was leader of the Senate, and Aaron J. Levy, majority leader of the Assembly.

Although Smith's regularity caused him to be severely criticized by such organizations as the Citizens' Union, it is clear that it was an element in his growing power. Murphy was an index of the prevailing views in Tammany Hall, but his wish was always to come as near to the views of such advanced members as Smith and Wagner as he could. Meantime, the fact that Smith remained in sympathetic contact with the Chief and with the organization was proving a constant education not only to Murphy but to the party.

The attempt to initiate direct primaries was too much for the temper of Big Tim Sullivan, state senator from the Bowery district. He emitted the following speech: "That's the way with you fellows who call yourselves

reformers. You want us to stand for everything you want. When it comes to giving us a hand you back up and begin talking about being holy."

The liquor interests were friendly to Tammany Hall, and Smith stood for legislation favorable to them which Tammany sponsored. This, like other legislation of his organization, Smith accepted, but as he watched the liquor traffic he became conscious of its abuses and warned the leaders of this industry that if they did not clean house, the people would rise in their might to destroy them.

It is not easy for the average mind to draw for itself a clear picture of the relation we have been discussing between Smith and large questions of statesmanship, on the one hand, and the relation between him and the machine, on the other. Both authors of this book were members of the Committee of One Hundred and Seven which in 1913 nominated John Purroy Mitchel for mayor of New York City, and one of them was chairman of that Committee. Throughout the long sessions, these two were among the few who fought against the use of the word anti-Tammany to represent the purposes of the movement. We felt that the term was antiquated, conventional and inadequate. We believed that no one on the Committee condemned more definitely the practices which the whole nation had become accustomed to associating with that word. We felt that it was the business of our popular movement, however, to separate the thing from the label. We had our way most of the time, but only by hard insistence. Al-

though the Committee was made up, in the main, of persons unusually familiar with city politics, many of them (Independents and Democrats as well as Republicans) found it easier to use the label to express their thoughts than to seek more adequate language.

We have no desire to soft-pedal the situation as it existed in Albany and New York City in these years, or to leave out any illustration whatever of the part played by Smith in the politics of his party. Our only task is elucidation, and it is not an easy one, since the type of leader that Smith has become has never been seen before. Not since the rapid tides of immigration settled in the big cities and political machines grew up in a shape to handle these populations, has there been any man, except Smith, who has been a product of the machine and who has remained a member of it, and at the same time has become a leader of the most progressive, practical thought of the United States, and an expert in bringing such thought to efficiency and success.

William Sulzer was not a heavyweight, but he shared those progressive ideas which happened to be conventionally popular with the liberals at the time he was governor. When a movement was made to reform the New York Stock Exchange, Sulzer gave to it his backing in a special message. At that time, Smith was a member of the Rules Committee, which is always powerful and which had much to do with the fate of this bill. Sulzer congratulated Smith for his coöperation in getting the measure through. He

was able to do it only by his personal contacts. Among those on the Committee was Jack Yale, the silent reactionary war horse of Putnam County, of whom, as we have shown, Smith had made a special friend.

On the direct primary, Sulzer's opinion was different. He looked upon the Blauvelt direct primary bill as a sham and he vetoed it. In his whole life, Smith has never denied responsibility for his acts. In a dinner given later on the East Side to Aaron J. Levy, leader of the Assembly in 1913, he took the responsibility for the notorious election law identified with Levy's name. He said, "I framed the bill and passed it on to Mr. Levy, who was a member of the Judiciary Committee."

Sulzer dug into the records of some of the leaders whom he designated as Murphy's boys. He charged that Wagner, Senator Frawley, and Smith, as well as less progressive Democrats, had edited out of the appropriations most of those asked for by his Committee of Inquiry on economy and efficiency of the State government.

It was in 1913 that the Citizens' Union put into one statement the opinion that, though Smith was executing the orders of the machine, he "deserves credit for the support of desirable home rule legislation." However, the point is not a strong one, as Tammany supported home rule legislation.

Senator Stillwell, of the Bronx, was fighting for a bill to make that region an independent county. Murphy was supposed to be against the bill, because of a fear that it

would weaken the power of his organization, which included the Boroughs of Manhattan and the Bronx in its organization. Smith helped block the measure.

When the power passed, in 1914, to the Republicans, William Barnes was in full control. The man who was chosen speaker of the Barnes machine was Ed Merritt. He was of the same type as John Raines in the Senate, a shrewd trader, who in seeking to put through measures appealed to no abstract virtues or purposes, but to the more immediate attractions of give and take. Like Jack Yale, Merritt became an intimate friend of Smith, and when it came to trading with them, his superior outlook did not diminish his skill.

William J. Bryan, in the Baltimore Convention in 1912, made a direct and eloquent attack on Murphy and the system which allowed such a boss to sit at the head of a state delegation. Bryan, at that time, was better able than any other delegate to formulate the hostility felt by the western and rural districts to the city machines. He looked on them as inventions of the devil principally for two reasons. One was their connection with the liquor trade and the drink habit. The other was what he supposed to be their proneness to be used as a tool of big business. On the second point, he had no exhaustive information, but he was right in believing that the New York delegation could be counted on to find itself in support of a candidate favored by the financial powers, when at the same time such a candidate was likely to make reasonable deals

with the organization, rather than in support of such a candidate as was finally chosen by the Convention, Woodrow Wilson.

Some of the delegates to Baltimore urged Murphy to allow Smith, Democratic leader of the Assembly, to make a ten-minute speech, setting forth what had been done by the Democrats the year before, when they controlled both houses, toward passing progressive measures. To meet the issue in this way did not appeal to Murphy. His strategy was to remain silent. There were too many things he could not say, even those things which were most to his credit.

It is undoubtedly true that Smith never lost sight of the fact that legislative success implied getting hold of seventy-six votes in the Assembly. The acquisition of the seventy-six votes could usually be accomplished only by an intimate knowledge of the working of the machines of both parties. Local selfishness had constantly to be appealed to. Whether it was lesser men, or Republicans like Raines, Merritt, and Yale, or Democrats like Tim Sullivan and that silver-tongued orator, Tom Grady, abstract principle was seldom heard of.

The stable of the Black Horse Cavalry was filled exclusively with buccaneers. Some of them were lobbyists for public utility corporations. Others were lobbyists for insurance companies. The long green, as paper money was usually called, was supposed to pass with considerable freedom. Blackmail was a steady interest. Smith, in the

long run, was to do more than any one else to reduce the profit of this kind of politics, but he did not accomplish it by passing on the other side of the street. He loved Ed Merritt and Jack Yale, as he loved many of the "slick operators" in his own party.

Chapter IV

PROVING HIS MASTERY

All through the hot Albany summer of 1915, from April to September, sat a body of sweating statesmen. By the end of the five months' grind, Alfred E. Smith was no longer a man whose gifts were known to comparatively few. He had won the confidence and admiration of leading Republicans, Democrats, and Independents throughout the state. Every twenty years New York decides whether to revise her constitution. In undertaking this revision in 1915, the delegates to the Constitutional Convention had to face rapid changes. What steps were now appropriate to bring the State government abreast of the times? Expenditure during the twenty years had been increasing. The State debt had been increasing also. The executive and administrative organization of the State government was, in the words of Elihu Root, "loose, confused and ill-regulated." There were one hundred and fifty or more separate agencies carrying on the business of government, and responsible to nobody in particular. Legislators were occupied chiefly in promoting private and local bills for private and special interests, in so far as those bills helped along their chances of reëlection. "This," as Mr. Root said, "made them cowards and de-

moralized the whole body." Justice was slow. A mass of technicalities had been built up to make it slower.

At the end of five sweltering months, eight hundred amendments had been considered; thirty-three amendments had been proposed in the Convention. Twelve passed unanimously; twelve by more than 10 to 1; two by more than 7 to 1; two by more than 4 to 1; two by more than 3 to 1; three by more than 2 to 1. How should these amendments be offered to the people of the State for ratification? Senator Root was the leader of those who held that, with a few exceptions, the amendments should be offered as one inseparable body, on the ground that they depended logically on one another. Smith led the other side. He believed the plan would be defeated if the new constitution were offered as a whole. Also, while he himself approved of much that had been done, he felt that if it were offered as a whole he would have to oppose it on account of the refusal of the Convention to offer equal representation and self-government to New York City. He knew practical politics as many leading Republicans did not. Barnes, head of the Republican state machine, knew politics also, and favored separate voting. The measures he wished to oppose included those which were nearest to the sympathies of Smith. The more distinguished Republicans won, however. The constitution was offered in the main as a single document, and in the referendum it was defeated, by a vote of 400,423 for adoption to 910,462 against it. A large majority of these

measures have since been passed, and thus we have a demonstration of the error of the Republican leaders in refusing to allow the people to pass on the amendments separately at the time.

Delancey Nicoll, a famous New York lawyer, said afterward that Smith was "the only man at the Convention who knew what he was talking about." Charles E. Hughes said, "Root planted the crop and Smith watered it." Root himself stated that Smith understood the business of the State better than any one else. Mr. Root also referred to Smith as "the member of this Convention whose attractive personality has impressed itself upon every member of this Convention." George W. Wickersham said he was the most useful man in the Convention.

The members who were perspiring and fanning themselves in Assembly Hall to carry out the revision included the ablest of both parties. Four had figured in the Convention of twenty years before. These elder statesmen were treated with every consideration. Courtesy was illustrated in such a small matter as inviting them to make first choice of seats on the floor. The distinguished four were: Elihu Root, Louis Marshall, Delancey Nicoll, all of New York City, and C. S. Mereness of Lowville, Lewis County. When it came to choosing the chairman, Mr. Root had 129 votes and Justice Morgan J. O'Brien had 32. The ovation lasted twenty minutes. It was a tribute partly to Root's personal eminence, and partly to the man who occupied a seat in the preceding Convention. There

then followed a demonstration for the Democratic leader, Alfred E. Smith, that almost equaled the one for the veteran Republican.

The Assembly room is roughly circular in form. The benches run down to a sort of well. The President of the Convention, like the Speaker of the Assembly, sat on an elevated platform. Behind and in front of him were small galleries for spectators. The Democrats sat on one side, the Republicans on the other, the leaders occupying seats on the aisle toward the back.

The best-known Republicans belonged to what was sometimes known as the Federal crowd, to distinguish it from the regular politicians under the leadership of William Barnes. The floor leader, George W. Wickersham, attorney-general in President Taft's cabinet, belonged to this group, and also the progressive Republican leader of New York City, Herbert Parsons, a man of education and character, who believed in the value of a strong machine as a weapon for good government and was doing his best to make such a weapon of his party. It included Henry L. Stimson, secretary of war under President Roosevelt. Stimson did especially useful work on the reform of the budget, giving a genuinely brilliant exposition of the reasons for the change and thus helping to clarify a question that at this date is about to go in a referendum to the people. He was much in the confidence of Root and acted as one of his lieutenants in carrying out the ideas of the more advanced Republicans. The

group also included Jacob G. Schurman, president of Cornell, and later ambassador to Germany, who was active for the literacy test. Seth Low, former mayor of New York, had no Federal connections, but he belonged with those men. His most assiduous work was in supporting the Republican position on home rule and reapportionment. These leaders were, on the whole, progressive liberals in touch with the modern spirit. Other Republicans were United States Senator Wadsworth, George Clinton, Edgar T. Brackett, Martin Saxe, Harvey T. Hinman, and Judge Clearwater.

William Barnes was honest, vigorous in his convictions, absolutely unsympathetic with anything departing from the good old rule of allowing the strongest and most cunning to nail down for themselves whatever advantages they could procure.

The Democrats were of two groups. Those who had won most prestige were those who used their high qualities for the defense of existing institutions. They were intelligent about details, but in essentials they were not liberals. William Barnes gave it as his opinion that the Convention had two classes of Democrats—"just plain Tammany men, led by Speaker Smith and Senator Wagner, and conservatives like Morgan J. O'Brien, Delancey Nicoll, and William F. Sheehan." The word conservative in Barnes's vocabulary was the highest praise.

Three younger Democrats stood out as representing a new force in the party and all had their political origin in

From the pastel series, "Governor Smith's New York," by Bernard Gussow

NO. 25 OLIVER STREET—ONE OF THE ROW ON THE RIGHT

MADISON STREET NEAR OLIVER; THE BUILDING WITH THE FLAG-POLE IS THE DOWNTOWN TAMMANY HALL

THOMAS F. FOLEY, GOVERNOR SMITH'S POLITICAL GODFATHER

Tammany Hall. Robert F. Wagner at eight years old passed from Germany to help his family seek its fortunes in the New World. Unlike most of the Tammany leaders he was a Protestant. He sold newspapers for a living and attended to his simple affairs so well that he was able to earn his way through college and law school. Like Smith, he was progressive in his sympathies. Both coöperated to make as good a constitution as possible, but at the same time they acted as leaders of the opposition, considering the interests of their party as against those of the Republican party. Senator James A. Foley, not to be confused with Tom Foley, was later surrogate, and later also was son-in-law of Charles F. Murphy. Then and later he was one of the outstanding forces in raising the standards of Tammany Hall.

In addition to the division into Republicans and Democrats, progressives and conservatives, there was also a division between up-state interests and the interests of New York City. This last division would occur now and then on every measure, but it mostly had to do with the question of reapportionment and home rule.

The Smith family realized the importance to them of what was about to occur. Several of the five little Smiths attended the Convention. They sent post-cards back to 25 Oliver Street. One of these was addressed to Cæsar Smith, their canine friend, the Great Dane whom the family loved. More than one candid expression came from younger members of the family, sitting in the gallery,

showing a realization that their father was facing one of the opportunities of his life.

It did not take long to show the equipment with which he was facing it. Smith at the year of the preceding Convention had been about twenty years old. Now began a five months' fire of fact and argument on dozens of questions, and not once in those five months was the comparatively young man from Oliver Street caught without mastery of his topic.

The unequaled hold on facts possessed by Smith, along with his intimate knowledge of practical politics, and his already notable grasp of modern political principles, was supplemented as always by the power of his personality. His manner of addressing the Convention was informal. While he struck the hardest blows in the Convention, he struck them with an ease and pleasantness that made people happy.

One of the newspapers of the time tells us that Smith was speaking at one point under a five-minute rule, on a matter in which he was intensely interested. Louis Marshall was temporarily in the chair. His gavel fell. "The gentleman's time has expired," he said. "But I am not done, Mr. Chairman," said Smith, with a boyish laugh, and went ahead as if the matter was settled. A newspaper observed, "He got away with it, too, to use the language of his constituents." The chairman forgot his ruling. The Convention laughed and listened to the impetuous leader.

At another time when the Republicans were pressing a

measure in which they asserted there was no politics, Smith observed: "I say to Senator Brackett and his friends, who talk about there being no politics in this, that I'll stop talking right now, and that will hold good until the end of the session, if he and his friends will join a society I founded, and of which I am President, Secretary, Treasurer, and Board of Managers. It is called the 'Amalgamated Association for the Suppression of Political Frauds.' Are there any takers?"

Smith's respect for the rights of minorities was expressed in the debate which waxed very warm on the proposed constitutional article providing for a literacy test for voters. He relieved the tension by the following bit, referring to previous arguments, pro and con, for the literacy test. Smith throughout the Convention showed himself in favor of free speech and freedom of voting as an antidote to all forms of discontent, including extreme socialism. He said:

"Once a Socialist came down here from Schenectady as an assemblyman. He had a wrong impression about everything in this chamber, but after a while he found he could take part in the debates of the Assembly as freely as any of us. He also found that all it required to get a bill through the House was seventy-six votes, his being as good as any one else's.

"Then that Socialist Assemblyman went to the Hotel Ten Eyck barber shop and got his hair cut."

"Point of order," called William Barnes of Albany at

this point. "The gentleman has exceeded his time limit."

The Speaker said the time was up. "Mr. Chairman," Smith pleaded, "give me a few minutes to get him out of the barber shop."

This was the man of whom Smith later said: "When the Assembly had the first Socialist, I induced my friend, Ed Merritt, to recognize him in the Assembly as leader of a party; to appoint him on important committees. Merritt yielded and he was so recognized."

Speaking to Brooklyn delegates about a proposed article especially affecting that city, Smith said: "To the Brooklyn delegates let me say that Parmalee Jones, 'Hungary Joe,' or any of the old-time gold-brick operators, not even 'Grand Central Pete,' the man that in his day shone above them all because of his ability, had anything on the committee that handed you men this article."

In favoring an amendment raising the salary for senators and assemblymen from $1,500 to $2,500, Smith talked of the life of a legislator and asked, "You don't want to see him coming out of an Essex Lunch Room, do you?" The Essex Lunch Room represented the cheaper type of lunch-room in Albany. When Delegate Griffen painted a picture of the expense of a campaign, in the course of which he said, "My election cost me $1,800 the first time I was elected; the second time I was elected it cost me pretty nearly as much; there are advertisements in newspapers of all kinds, published in every language; they expect that; that is part of the mild blackmail to

which candidates are subject, and I, together with every other man who runs for office in New York City, has to submit to it," Smith chuckled and cried aloud: "*Not me.*"

Favoring an amendment providing for the printing of debates in the Legislature, Smith said: "This winter we had several very important propositions upon which members themselves tried to secure some literature around the Capitol in relation to the subject to send to debating societies, and so I think it will do a great deal of good. And another thing, it will be a kind of automatic valve on hot air, and if there is anything needed in this room, it is said valve. There is a good deal said here that when it gets into print won't look very good and this may restrain some people from saying it."

In discussing the Judiciary Article, Smith contributed a bit of common sense in support of one of the Committee's recommendations that the Court of Claims be constitutionalized and not subjected to frequent changes, and that all claims against the State be brought before it instead of before courts meeting in different parts of the State. Said Smith: "I didn't expect it would fall to my lot to say anything at all about the Judiciary Article, but on this particular point I happened to have a little bit of knowledge, of which I thought the Convention should have the benefit, if there is any benefit in it. The Court of Claims has been more or less the football of politics in this building for about twelve to fifteen years. I have been present here while it has been kicked out and in again, and

out and back again, while by legislation the terms of the judges have been extended, and it is a matter of great satisfaction for me to know that, in speaking for the continuation of the Court, my party was a mild offender in that respect.

"Now if you are to have the Court, it should be taken care of in the constitution so that there could be no recurrence of that. That you should have a Court may be a matter for lawyers to determine, but every now and then when the brain becomes a bit befogged by the heavy legal talk, a little stand by the layman helps a bit. Having no interest whatever in any claims against the State, and having considerably less in their attorneys, but having some interest in the State and considerable interest in the taxpayers, I respectfully submit to the Convention that if we are going to continue to allow the State to be sued, let it all be done in one place so that we can keep our eye on it."

If he had not preferred, with every impulse of his nature, to turn complex facts into simple language and pictures of human life, he could never have been started on a career in which most of his fundamental glory has been the ability to win victories by making hard questions clear. It was fortunate for the liberal element in New York State that Smith was able to accomplish this feat. Many a time liberalism, or the desire to make political changes to promote justice, is more distinguished by ethical qualities than by practical grasp. The reformer not infrequently attaches his faith to some one measure which serves as a rallying

point for a time and then has to be thrown aside. A large part of the leaders in the last quarter of a century, who have stood out in the United States as coming prophets, have been prosecuting attorneys, or else men with the nature of prosecuting attorneys. It is some conception of right and wrong in the abstract that furnishes their momentum. This Convention, dealing with many topics, most of them important and complex, was the perfect arena for a mind like Smith's, concrete to its furthest corner. Metaphysics has been defined in the well-known parody as the search in a dark room by a blind man for a black cat that isn't there. It would be equally possible to parody the hard-boiled adherent of fact in the limited, unimaginative sense. Smith was anything but hard-boiled, unimaginative or limited. Technical facts to him were transmuted by an immediate, inevitable process into what they mean to living beings.

The question of a minimum wage for women was approached by him just as for many years the workmen's compensation had been approached. He was capable of dealing with Supreme Court decisions and he was capable of meeting the old-fashioned argument of eighteenth century individualism as put forth by William Barnes, but in the forefront of his thinking and his talking was always the effect of the measure on the lives of people whom he knew. It was through sympathetic understanding that he was reaching an ever more articulate conception of the State as an instrument for the promotion of human justice

and welfare. Historical precedents of an obstructive nature could be mastered and dealt with by him, but they were nothing which he reverenced. He is a conservative, in some respects, and always will be, and he never has been and never will be a radical in the sense of being interested in abstract, sudden and complete experiments based on guesswork; but a liberal or progressive he unmistakably is, because he wishes ordinary people to have a chance, and he has never felt that the world has reached that stage in which ordinary people have the best conceivable treatment from dominating forces.

Smith himself said: "There are two things that helped me in the Constitutional Convention; were responsible for any knowledge I displayed there. First, there was my knowledge of the State government that came from my studies of the appropriation bills. Whatever intimate knowledge I had about the State came from what I knew about how it spent its money, for every item in the appropriation bill tells a story of State problems and State needs, or of State extravagance. Secondly, it must be borne in mind that most of the great activities of the State started in 1907, when the Public Service Commission was established, and the Conservation Commission and other important agencies. Being familiar with how they started, I naturally knew something about them when they were discussed in the Constitutional Convention."

Smith was a member of three sub-committees of the Convention: (1) The Legislature and Its Organization,

of which Mr. Brackett was Chairman; (2) Legislative Powers, of which Mr. Barnes was Chairman; (3) Industrial Interests, presided over by Mr. Parsons.

Among the subjects discussed by Smith were: apportionment, home rule, executive budget, State appropriations, taxation, water power and conservation, living wage for women and children, the use of the Governor's Emergency Message to facilitate legislation, the judiciary article, public service corporations, the literacy test, the prohibition of manufacturing in tenements, the reorganization of the State departments, the protection of police and firemen in the Civil Service by safeguarding their right of certiorari, the taxation of corporations, the financing of private and local bills, bond issues for permanent improvements, the Court of Claims, the printing of Senate and Assembly debates, public utilities, a short ballot. There was no debate of importance to which Smith did not contribute knowledge and constructive coöperation. Nobody can really understand his career who has not staying power enough to grasp something of the intricate questions of our day.

His method of argument included the history of the past to illuminate the present. He frequently started with history. Here he made exact citations, outlining original laws and amendments up to the period under consideration. His memory never failed. He was frequently interrupted on some question of fact, but in every case he was the victor.

The first important debate in which he participated brought out the fundamental clash of political interest between the Republican and Democratic parties. It was in connection with the report submitted by the Committee on the Legislature and its Reorganization, which amended the Constitution of 1894, limiting the representation of two adjoining counties of the City of New York, by providing a prohibition against a representation of more than one-half of the Legislature from five adjoining counties. In 1894 the two adjoining counties were the thickly populated counties of Manhattan and Kings, then known as New York and Brooklyn. In 1915 the population was spread through the five counties of Greater New York and it was deemed necessary by the Republican majority to freeze into the constitution a provision putting the City of New York permanently in the minority and giving a normal control of the Legislature to the Republican party which drew its main support from the rural communities.

The uneasiness of the great city on the subject of home rule had existed for many years. It was reflected in the regular Democratic party doctrine. It had been pointed out as an evil by Samuel J. Tilden when he was governor. Smith led those who opposed the theory of apportionment based upon territory and argued that the unit of representation should be the individual and not his place of residence.

"Going back as far as you can in political history," said he, "apportionments have always spelled politics. In 1894

the Constitutional Convention erected this Senatorial district on Manhattan Island; commencing at Fourteenth Street, going north along Sixth Avenue to Fifteenth Street, and then north on Seventh Avenue to West Fortieth Street, then over to Eighth Avenue, then east on Ninety-sixth Street down to Lexington Avenue to Third Avenue, around Irving Place to Fourteenth Street, to the place of beginning. Of course, there can be no such thing as a suggestion of politics in the making of that district; as on the basis of twenty city blocks to a mile, Fourteenth Street to Ninetieth is three miles long and two miles wide.

"That was done, of course, so that the candidate for senator from the political senatorial district could on registration days and election days just walk up Fifth Avenue, look up and down the streets, and look around and see if the election district captains and the poll clerks and workers were absolutely Republican and thereby assure to them at least one senator on Manhattan Island.

"We had a little sample of apportionment in the Legislature just adjourned. Without any precedent for it the last Legislature undertook to apportion the aldermanic districts in New York City. They did not say that it came from any great demand on the part of the people that there be any change in the lines of the districts. They were frank and open about it. They were open about it, and they said that it was done for the purpose of trying to select a fusion or an anti-Tammany Board of Aldermen in the second two years of Mayor Mitchel's term and follow-

ing the little lessons we have learned from our constitution, and having uttered our little political prayer, we made all the Republican districts this way (hands held out a short distance apart), and then we made the Democratic districts this way (hands stretched far apart)." Here he was interrupted by laughter, a usual tribute to his comedy. He went on: "The Mayor of the City said he would like to sign the bill; he said he wanted to show that fraternal spirit that the Senator from Saratoga speaks of so eloquently, but it was too raw, it was more than he could stand."

Home rule is easier as a campaign slogan than as a legislative or constitutional problem. Any solution of the Home rule problem must take account of the relation of the City to the greater sovereign, the State. How far the City is an agency of the State and how far it can act independently of it has taxed acute legal minds.

The majority report granted some clear home rule powers to the cities, but it provided checks by the State which met with sharp opposition from the Democratic minority. The underlying conception of the home rule amendment as submitted by the majority was ably criticized by Senator James F. Foley and Judge Morgan J. O'Brien, and two provisions particularly aroused Senator Wagner and Alfred E. Smith. One required that after a city had acted on a charter, or a charter amendment, such action must be laid before the Legislature.

The Democratic minority knew the adoption of its

minority report by the Convention was not possible. It therefore resorted to the strategy of liberalizing the majority report by submitting a number of amendments. No delegate was more active than Smith in deluging the Convention with changes in phraseology designed to give the cities more home rule.

He first insisted upon the right of the city to apportion its own aldermanic districts. The right was denied the city on the ground that it affected the framework of the government. Smith submitted amendments providing that if one per cent. of the voters protested against an amendment affecting the framework of the City there should be a vote on it at the next ensuing election.

When asked by Mr. Herbert Parsons whether that was the amendment requested by the Citizens' Union, Smith replied: "I believe that it is either the Citizens' Union or the City Club. I don't know which it is. They all look alike to me. When they have a good idea I always like to line up behind it. I don't mind annexing them when they are right."

After flinging amendment after amendment to the Convention, only to have them all rejected, he said, "I desire to offer one final amendment. The Good Book says, 'While the light holds out to burn, the vilest sinner may return.'" Even this last amendment was lost.

While these two debates were along familiar lines of Democratic theory, the majority of the debates had little party significance. They concerned the business of the

State. Here the able Assemblyman was at his best. Henry L. Stimson, chairman of the Committee on the Executive Budget, presented one of the most closely reasoned and cogent reports of the Convention. Smith followed. In an address packed with knowledge and enlivened by humor, he showed the chief cause of extravagance in the State government—the absence of a check upon the passage of local and private bills, often passed to favor representatives, chiefly from up-state, whose political lives depended upon keeping pre-election promises to obtain State appropriations for local improvements. He intended to check this extravagance by requiring a two-thirds vote. A number of his amendments were accepted by Stimson. "If you keep on making amendments to the Constitution, Al," said one of his colleagues, "so much of it will be your handiwork you will have to support it at the polls."

Smith began by reminding the Convention that, on the question of State appropriations, he probably spoke with as much personal experience as any man in the Convention. He reminded them that he had been chairman of the Committee on Ways and Means in 1911 and ever since with the exception of 1913, when he was Speaker of the House. "So I can speak," he said, "from the practical side rather than the theoretical side. I am in accord with the Committee on the preparation outside of the Legislature of a budget and its submission to the Legislature. But the proposal set forth by the Committee on Finance, and so

well and so ably explained by the gentleman from New York, to my way of thinking, does not go half far enough." He then showed that the proposed budgetary reform reached only about half of the budget appropriations of the State.

It was to prevent logrolling for local improvements that he submitted his suggestion requiring two-thirds of the members of each House to vote for every bill appropriating public money or property for local or private purposes, or for State purposes, when less than the whole State is to be directly or mainly benefited by the expenditure, except appropriations for the repair or maintenance of canals, or the support or construction of State institutions. To control extravagance he advocated that no money shall be paid out for one year after the passage of the appropriation act, and that in stating the object of the appropriation, each object and exact sum shall be set forth, and that the head of each department and State institution shall annually in December submit a statement under oath of the desired appropriations, accompanied by facts and comparisons in support of the requests, the Governor to transmit it to the Legislature in January with his recommendations.

Already in the Constitutional Convention Smith believed in the necessity of bond issues for the construction of State institutions and the furtherance of permanent improvements. The debate between him and Chairman Stimson was a forerunner of his later debates when he suc-

ceeded in having the policy submitted to the people, who approved his position in 1923 and 1925.

Some of the most interesting debates were occasioned by those proposed amendments to the new constitution which would limit or cripple the State as an instrumentality for social welfare legislation. No question taken up was more basic than that presented by William Barnes, whose political influence extended throughout the State and into the national organization. In New York State he was the leading opponent of Theodore Roosevelt and the Progressive Party. In the National Convention in 1912, he was a tower of strength for the Old Guard in their fight for control of the Republican organization.

Barnes was brave, honest, and forcible. His intellectual processes were large, even if reactionary. He submitted a constitutional amendment that the Legislature shall not pass any bill granting to any class of individuals any privileges or immunities not granted equally to all members of the State.

He later accepted the following amendment submitted by Mr. Olcott: "The Legislature shall not grant any privilege or immunity not granted equally to all the members of the State."

Barnes defended his theory by declaring that it represented the theory of equality upon which our American institutions are based, and that in recent years the social legislation advocated by popular leaders and passed by legislators was in violation of this American principle. His

address had all the logical cogency of an eighteenth century philosopher. The advocates of social legislation, according to him, were using the same tools that Bismarck used against the Socialists of Germany. The German statesmen used social legislation to buttress up an autocratic state; the American reformers were leading free America into an autocracy such as Bismarck desired for Germany. Like Bismarck, instead of stopping socialism, they were strengthening it. Every violation of the principle of equality naturally tended to establish its opposite. The principle of privilege led to autocracy.

Progressives in Barnes's own party, like General Wickersham, Henry L. Stimson, and Herbert Parsons, pointed out that this amendment, if a part of the constitution, would prevent further labor and humanitarian legislation, such as workmen's compensation and child welfare laws, intended to relieve injustices that arise from modern social and industrial conditions.

Leading the debate in opposition to the Barnes measure, Smith said: "Gentlemen around this chamber would lead us to believe that law in a democracy is the expression of some divine or eternal right. I am unable to see it that way. My idea of law and democracy is the expression of what is best, what fits the present-day needs of society, what goes the farthest to do the greatest good for the greatest number. . . .

"I am afraid that a lot of men have an entirely wrong idea about workmen's compensation. Nobody has ever

been able to satisfy me that that is a privilege or an immunity. . . . Workmen's compensation is an indirect tax upon the industry of the State for the purpose of relieving the shoulders of all the people from carrying the burden of the men that are injured or killed in the upbuilding of an industry.

"Then there is the so-called mothers' pension law. That is a wrong name for the act. There is no pension to a widowed mother. The State long years ago adopted the policy that it was, through its civil divisions, committed to the care and education of homeless and destitute children. The formation of the Child Welfare Boards was simply a change in the method. Rather than have the institution the agent of the State, the State decided that the work could best be done by the mother if she was a fit and proper person, and forthwith it transferred that agency from the institution to the mother herself. The mother, as such, receives no money; or rather, not one dollar is contributed to her for her support. Everything she does, she does as the agent of the State, just as surely as the institution did, and for the care and maintenance of her children, her home is temporarily turned into a State institution."

His characteristic way of meeting objections to humane legislation was shown again when he said: "One of the arguments against the minimum wage that can be dissipated into thin air by a wave of the hand is the argument that it may some time be made to extend to men.

"Everybody around this chamber knows that by labor unions and by labor organizations men have it in their power, and they do today, to exact a minimum wage. I had the personal experience one time as a trustee of public buildings upon the repair work on this Capitol after the fire. I found that the Bricklayers' Association of this county had fixed the minimum wage for this county; that it was a different one for New York County, varying, I presume, with the cost of living or with the surrounding conditions. They had the strength and the force because of their organization to demand a minimum wage, and it is fixed, if not by law, so thoroughly by custom, that you cannot conduct a public work or a public operation in this State without a full recognition of that fact.

"Women and children have no organization. No woman goes to work, or no young girl goes to work, with the intention of forever working in the department store or a shirt factory or in a shirtwaist factory. She goes there for a start in life. Her ultimate desire is the desire of all women, that she have her own home and her own family. Consequently they never organize. Consequently they are without the power to present their claims, and it is proposed by this Legislature that the State itself help them to present the claim."

The minimum wage proposal was beaten at the end by men like Root and Wickersham by shutting off debate. Smith had this in mind when he was asked for a summary of the whole work of the Convention. He replied:

"Not a bad job. But I must say that the steam roller they used was the most scientific I ever experienced. Also the chlorine gas as they used it was admirable."

Again referring to the minimum wage for women, Smith said: "This legislation means progress, and I do not have to tell a man or woman in this hall today that progress is hard to make. It is very difficult. Take any great labor reform and make a study of how long it took to enact it in this State; the Workmen's Compensation Act, probably the most forward-looking piece of legislation of its kind ever enacted in this State, was a long time being put through. The people themselves at a general election were obliged to amend their own constitution before we could get that legislation and organize a commission in this State."

It will not do to ask the most patient reader to follow up at this point all the important subjects handled in these five months, particularly as some of them can be seen more clearly when they have had fuller development during the governorships. In the conservation of national resources, for example, Smith introduced an amendment accepted by the Committee and the Convention which made men connected with the lumber industry and financially interested in power or utility companies ineligible for office in departments having to do with conservation. He also made by this amendment a policy of public development of natural resources of the State constitutionally possible. Since he has been Governor, that fight has been so fierce

and so important that it makes an admirable illustration of the consistency of his life. Policies stressed later were in his mind thus early. Just as his mastery in the Convention traces back to the Ways and Means Committee, first of all, and then to the factory investigation, so does the story lead logically on from the Ways and Means Committee, the factory investigation, and the Convention, to what has been accomplished in the Governor's chair. To a careless observer, Smith's story may be primarily a story of personal popularity and campaigning gifts. It is easy to overlook the essential principle that it is a story of enormously hard, continuous work.

The coöperation between Herbert Parsons, who sponsored the regulation of manufacturing in tenements, and Smith, was one of the pleasant and effective features of the Convention. Again, there was the coöperation between him and the most distinguished Republicans in the reorganization program. That program included the short ballot and the executive budget. Smith is not the type of Democrat who believes in electing everybody and in avoiding centralization of power. He never fears to take away from the public a function which the public cannot successfully exercise. It can vote with some intelligence for a few offices, but to invite it to fill dozens of offices is to express a conception of democracy that would prevent democracy from being efficient. The underlying idea of the short ballot was inevitably welcome to a mind like Smith's, expert and honest. One of the first names associated with

the nation-wide fight for this reform, long before he was president, was the name of Woodrow Wilson.

One of the most interesting debates in the Convention was on the report of the Committee on Public Utilities, providing that public service commissioners be made constitutional officers. The original report also provided that the removals be made by the Governor by and with the consent of the Senate.

In this debate, on the Democratic side, delegates Wagner, Foley, and Smith played leading rôles. They were opposed to encroaching upon the power of the Legislature. The original report gave to the Commission powers of rate-making concurrent with that of the Legislature, and Smith gave one of his lucid expositions of the history of public service legislation in this State and showed how, under the double-headed commission, New York City spends eighty-five per cent. of all the money required for its administration upon transit construction. He wanted the Legislature free to decide whether to repose the regulation of public utilities in one commission and to have the city free to act upon its construction problems. In battling for the City of New York he said in his conclusion: "If we now fix the Constitution so that we must have two commissions it may work a very great injustice to the City of New York because if we are to continue the regulation of rates and the character of service as a state function it should be done for the City of New York without cost just the same as it is now done for Buffalo and

Syracuse and Rochester and Utica and Albany without any direct cost to their taxpayers and it will only be right and proper that that part of the management and control of the subways which might be called the fiscal business should be turned over to the city authorities."

The original report submitted by the committee was supplemented by a simple amendment introduced by floor leader Wickersham which merely provided: "There shall be two public service commissions. The commission shall be appointed by the Governor by and with the consent of the Senate. The Governor may remove any commissioner for cause after service upon him of a written statement of the said cause and an opportunity to be heard thereon.

"Until the Legislature shall otherwise provide, the existing commissions shall continue with the jurisdictions and powers at present vested in them."

Here also Smith's contributions to the debate were a forerunner of many subsequent contests.

The debates in the Constitutional Convention give a picture of Smith in a mixed rôle. He is greatly helpful in clearing up important amendments, and coöperative with the majority on business questions especially, but throughout he is still the leader of the minority, and not wholly emancipated from the psychology of the machine. Throughout he plays the rôle of the New York City leader ever ready to do battle for the metropolis. He misses no opportunity to expose the injustice done it, and not only through the unfair apportionment article, which

is the chief reason for his opposition to the constitution. In the same line are his efforts to liberalize the half measures of home rule, granted by the Sub-Committee on Cities. Similar are his citations of instances when the City of New York does not receive its fair share of the State appropriations, as in the field of education. No one was more helpful in perfecting the financial sections of the constitution. Some features of the report of Chairman Tanner on State departments he opposed. He then disbelieved in some principles which he later espoused, to consolidate and reorganize the many commissions and bureaus of the State government.

He went so far as to resist making Civil Service Commissioners constitutional officers, and advocated their appointment every two years by the incoming Governor, a proposal greatly favored by the patronage politicians, who are averse to having Civil Service Commissioners independent of the appointing power. He carried his principle of responsible government so far as to oppose a principle which has served as one of the cardinal tenets of Civil Service reformers, providing for overlapping terms of Civil Service Commissions so as to insure their independence of the Governor. Smith contended that "human nature makes this impossible." "No Civil Service Commissions are in practice independent of the Governor."

Smith was emerging from the machine, but his feet were still fettered by it. Considering his position in the

party at the time, he was growing out of the mold as fast as the situation permitted.

When Smith later advocated the very reorganization program that he criticized in the Convention, with the same arguments his opponents used against him, he frankly acknowledged that he was not afraid to change his mind. He became the principal asset to put through the reorganization program in the face of the opposition of the machine leaders in the Republican party, whose elder statesmen, like Root, Stimson, Tanner, and Parsons, were responsible for that program. In this whole work, what enlisted his deepest enthusiasm was the effort to make of the constitution an instrument of social liberalism.

As Smith walked out of the Assembly Hall, at the end of this Convention, he had won a different standing. He was no longer to be thought of primarily as the most popular and well-informed of the Tammany leaders, for the picture was sunk in a larger one. The change meant that he had convinced the leaders of the opposite party that he was the greatest master of government in the whole state. He had lost nothing with his own people. He was to continue to be loved by those among whom he was born; with whom he had played, rejoiced, and sorrowed; but his brains, his honesty and determination, his extraordinary clearness and memory, had made him new friends and followers, and very powerful ones. His standing as an adroit and fascinating politician was henceforth to take

second place. In first place was to be the quality of a man who could do the business of a great State better than any one else. Looking back on the total work of the Convention and commenting on it with his usual easy candor, the Governor once observed: "I am frank to say that the Convention of 1915 has afforded me a great opportunity. I got a lot out of it later on. And I never allowed my campaign managers to overlook anything that happened at its sessions."

Chapter V

OPPORTUNITY

The Constitutional Convention was still in session when Mark Eisner, later collector of internal revenue under Wilson, arose and announced that the Democratic County Convention had nominated Alfred E. Smith for the office of sheriff. It was a surprise to Smith himself. He believed as the majority believed, that the most likely person to receive the nomination was Big Bill Edwards, a famous football captain of Princeton who had been street cleaning commissioner. Murphy knew what he was doing. He liked Smith, and he knew the poverty of the young leader. During the hard siege of work at Albany, Smith remained poor. His salary was $1,500. With a family of young children it was not easy.

This office of sheriff then paid fees amounting to from $50,000 to $60,000 a year and inevitably was a prize. By tradition, it was looked upon by the district leaders as belonging to them. As they sat around in Murphy's office in September and discussed who was to have it this time, they raised this traditional right of the leaders. When Murphy said anything it usually had its effect. He now asked whether they looked upon Robert Wagner and Alfred E. Smith as coming under the classification of

leaders. The answer was that they did so look upon them. Murphy then went to work on the first two men of the nominating Convention delegates, taken in alphabetical order, to persuade them to vote for Smith. He was counting on the psychology of the delegates not to refuse such a lead. His conversation with the district leaders had all the look of an attempt merely to find out prevailing opinion, but it was an example of the success of his form of leadership.

It has been the custom of Tammany Hall to reward members of the Legislature, especially the leaders who have given long and faithful service, through some form of promotion or of patronage. Smith had served eleven years. He was not a lawyer who could receive patronage from the courts. He had no other means of support. It was probably a sense of justice added to affection for Smith that decided Murphy. Certainly there was an outburst of public support for Smith, such as had not been seen for a regular Tammany man. In his first address of the campaign, he said: "I don't know much about the office of sheriff, as I haven't been there ever since Foley held this job. . . . If I am elected in November, I will by January first know more about the sheriff's office than Sheriff Grifenhagen does, and by January fifteenth I will know all about it."

The Citizens' Union created surprise and consternation by coming out for Smith. Grifenhagen, the Republican then in office, emitted howls of rage and disappointment,

including the charge that the Citizens' Union had gone over to Tammany Hall. In many and many a case, the endorsement of reform bodies is of little importance. It was of high importance in this case, because it dramatized a change in the public's attitude toward Smith. The Union said: "Alfred E. Smith is endorsed for Sheriff of New York County. As to his qualifications for this office there can be no question. The service to the State rendered by Mr. Smith in the Constitutional Convention this year entitles him to special consideration.

"In giving this high praise to Mr. Smith we are neither unmindful of his political connection nor his record during his earlier career as a member of the Assembly when we repeatedly had occasion to criticize his activities as representing a desire to serve his party rather than the public interest. Although a party leader, Mr. Smith has in recent years been instrumental in obtaining much desirable and important legislation."

Concerning this action the New York *World* said: "The Citizens' Union endorsement has always been part of the honest graft of Republican candidates for main offices. . . . It is a scandal that Charles F. Murphy should pander to the moral sentiment of the community and permit a respectable candidate to be nominated for Sheriff."

The *Tribune* was the leading Republican paper in the city. It said: "His ability, integrity, industry are not questioned either by Republicans or Independents."

In another editorial the same newspaper said: "The

City of New York could well afford to pay Alfred E. Smith all the prospective emoluments of the Sheriff's office as a consideration for his continuing to represent a local Assembly district at Albany. In the past ten years there has been no Republican, Progressive or Democrat in the State Legislature who has rendered as effective, useful, downright valuable service to this town as ex-Speaker Smith.

"The limitations of the Tammany candidate for Sheriff in New York County are the limitations of the machine politician. At Albany Mr. Smith has 'taken orders.' He is one of Murphy's 'boys.' But he has not hesitated to oppose Tammany proposals in conference, and he has never lacked the courage to tell Murphy to his face what other Democrats of far greater pretensions to independence and influence hesitated to whisper around the corner.

"The trouble with most Republican representatives at Albany has been that they have been Republicans before they were New Yorkers, that they have given attention to what was desired by a party having its headquarters up the state instead of in the city. As a consequence the city has been plundered and despoiled and the local Republican representative has been without honor at home or elsewhere.

"With no such handicap to carry, Assemblyman Smith has given his whole attention to city interests. A true leader, a genuine compeller of men, a man of wit and force and an instinctive grasp on legislative practice, he

has made a real reputation for himself at the Capitol and has deserved well of the large constituency which is his own town." At another time it spoke of him as "the ablest and most attractive young man in the political life of the town."

Thomas Mott Osborn, describing himself as an independent Democrat, speaking later of this election, said: "When he last ran for office in New York City, the newspapers of all shades of political opinion gave him unstinted commendation. Any man who can receive such a tribute from the press of New York is no ordinary man; and the unbiased newspaper opinion is much more to be trusted than any partisan appeals now."

Organized labor was his friend. Shortly before this date, the *Legislative Labor News* said: "As a member of the Factory Commission, Mr. Smith learned the true labor conditions of the State, and in enacting laws for the wage-earners and defending them against mutilation his work is no lip service. It comes from his big heart and brainy head."

The *Sun* was a Republican organ that has frequently departed from the partisan lineup where Smith has been concerned. On October 23 it said: "The Citizens' Union does credit to itself as well as to the Democratic candidate for Sheriff of New York County, Alfred E. Smith, in endorsing him as a man for the voters to support at the polls on November 2. This is a merited acknowledgment of the service Mr. Smith has rendered in laboring ably and

energetically in the interest of New York City in the Legislature, where he rose to the position of Speaker of the Assembly simply because he demonstrated a force of character in dealing with men and affairs that could not be downed.

"During the recent orgy of extravagance indulged in by the Republican Legislature, Mr. Smith and Senator Robert F. Wagner, as the minority leaders of the two Houses, fought to the last ditch to protect the taxpayers of this city. Although the present municipal administration was elected in opposition to their party they did not hesitate to act as the spokesmen for Mayor Mitchel and President McAneny on the floor of the Legislature in an effort to prevent the partisan raid on the city treasury.

"Mr. Smith's promotion to the most coveted position to be filled at this fall's election is deserved. It is only to be regretted that his service to the city in the Legislature when the Republicans resume their raiding—providing the Democrats fail to carry the Assembly—will be sadly missed."

He was naturally supported by the independent Democratic *Times*. Outside newspapers also commented somewhat on the election, and the loss to the Legislature was regretted by Republicans and Independents as well as Democrats. The Albany *Times Union* said: "He has tons of brains and a magnetic personality. Republicans, as well as Democrats, like and admire Al Smith. The newspaper men will tell you he is one of the ablest legislators Albany

has seen in many a day. The office of Sheriff of New York County is a rich prize and the best is none too good for Al."

Smith's growth as an expert and the new contacts with different elements which he formed, first on the Factory Commission and then in the Convention, had not changed his habits of life. His real people were still the masses of the lower East Side. Two years before, when Mayor Gaynor happened to ask him what he thought of all-night cabarets, Smith replied: "Why, Mr. Mayor, I don't believe I get above Canal Street at night once a year. Once in a long time, Mrs. Smith and I go uptown and take dinner at the Knickerbocker just to remember what it is like. But you can't prove anything about those cabaret places by me."

And a little later, when Smith was asked to give a summary of his life, he produced the following:

"Born in Roosevelt Street, over a German barber-shop; did odd jobs; went to the Assembly; was sorry for it the first year; went to the Assembly again; and then I was Sheriff, and now I am President of the Board of Aldermen. Live where I was born, or very close to it. I don't get above Fourteenth Street, only occasionally."

A few weeks after his nomination for Sheriff, there was an Old Home Week at Oliver Street. The candidate was welcomed by his neighbors. Newspapers at the time contained picturesque accounts of this celebration and the neighborhood life. Irish-American loyalty and pride were

to the front, but Italians, Russians and even Chinese were in the welcoming throng, and mothers of the neighborhood were in force, as they have been steadily whenever Al Smith has been concerned.

Oliver Street is a home of large families. During the campaign there was an entertainment in which one of the promised attractions was to be a delegation made up of the largest families: Mrs. Michael Santangelo with eleven; Mrs. Louis Lehan with seven; Mrs. Jacob Cohen with fourteen; Mrs. Charles McDermott with eight; Mrs. Charles Napoli with eight; Mrs. Robuta with seven; and Mrs. Timmons with eight. "Must make you rather lonesome, Al," said one of his friends, "all those members of the Anti-Race-Suicide Club and you with a mere five children." "Don't blame me," said Al. "Remember for twelve years I have been a member of the Legislature and had to spend my winters in Albany."

During the campaign, Smith said: "I shall so conduct the sheriff's office, if elected, that not only will it be efficient, but it will cost the taxpayers as little as possible under the law."

He had hesitated for some time to permit his friends to make him a candidate for the office, believing he was needed at Albany. On this subject he now said: "I am not hunting for big fees. I never have been mercenary. Otherwise, I should not have served so many years in the Assembly at $1,500 a year."

In lighter vein he observed after election that the cost

of having his dress suit pressed was eating up the office fees. His children, he said, used to call it his best suit, but now they had learned to sneer at it because he wore it every night.

An upstate legislator had asked him whether they gave the Sheriff good living quarters in the jail down in New York. Smith replied: "They do not punish the Sheriff like that down here. He doesn't have to live in jail. They feed him to death. They may give him good money in his office, but they ruin his digestion."

Smith was frequently asked about the new constitution, both before the vote on it and after. His position was that he must very reluctantly be against it. This was on two grounds: that New York was not fairly represented, and that it was unjust and unsound to compel the people to vote for measures which they disapproved in order to vote for measures of which they did approve.

The sovereign rights, he said, of the people of New York were invaded when they were asked to adopt together all of the provisions that document contained.

When the new Sheriff on January 1 turned up in his office, he found himself among banks of red roses, lilies, chrysanthemums, violets and cigars. Also, there were present to greet him politicians, open seekers for office, disguised seekers for office, honest friends, and the Smith family.

As the new Sheriff took his seat in his swivel chair, at his elbow stood his mother, who found time to remark,

"Alfred is a good boy and I am proud of him." His wife was there, his children, and his sister, Mrs. Glynn.

His first official act was to sign receipts for everything the office contained, from the cash in the bank to the furniture, and he remarked: "I guess I won't receipt for the prisoners in Ludlow Street Jail until I find out from the warden whether any of them walked out this morning by mistake."

Turning to those whom he had appointed to office he said: "I want to say to you all this morning, that in appointing you to office, I expect from you the service I believe the people of this county expect from me. I desire with all my heart to show gratitude in a substantial way for the overwhelming vote of last November."

References to a larger future had begun to appear in the newspapers. There was some talk of him as the successor to Murphy in the leadership of the Hall. He was occasionally mentioned for mayor and for governor. In a conversation in which the question of the mayoralty came up, Smith once explained his view of that office in connection with his own methods and with the opportunities of benefiting the city. "I could never accept that job," he said, "unless it was in connection with reorganization of the city government. If such a reorganization was carried out, I could get rid of incompetent office holders. I could say to a man whom I've known all my life, 'Joe, you have done your work well, but the people voted a change of

this whole system. I am sorry, but there is no place for you in the new plan.' "

The sheriff's office was not much of a job for Smith, from the point of view of hard work, after such performances as he had given on the Ways and Means Committee and at the Convention. He arranged to have every bill introduced at Albany sent to him. He also constantly saw politicians of varying hues from the capital. When the time for the next important step came, two and a half years later, he knew the situation in the state almost as well as if he had been in Albany.

Smith had been sheriff but a few weeks when he had occasion to attend a banquet of newsboys. To these little fellows he said: "Just about thirty-one or thirty-two years ago, I sold newspapers at the Williamsburg Ferry at the foot of Roosevelt Street. . . .

"You know yourself, the boy who likes his teacher studies the hardest. The boy who is satisfied at home is more respectful to his parents. It is the whole aim of the State, so far as it can do it, by law to promote the happiness of its people. Laws are made so that the women and girls who work may not have to work any longer than their health and happiness will permit. . . .

"The flag stands for equal opportunity. It left open the gateway of opportunity irrespective of race, creed or color, so that the most humble in the land may rise to greater things; it made free institutions.

"Help one another and keep doing your own work, and when you go ahead others will follow you, and keep on doing this work that you ought to do."

In 1917 there was a municipal election. Mayor John Purroy Mitchel was most reluctant to run for reëlection. He had shown more technical efficiency than anybody who preceded him in the office, but he had got into many conflicts; made many enemies; taken up a line of social interest that was easily used against him; and become intensely excited over the war. One of the authors of this book well remembers dining with him alone at the Century Association shortly before Mitchel made up his mind to yield to his friends and make the contest once more. The idea of doing anything except getting out of politics and taking part in the war depressed him heavily. There was a Socialist ticket in the field which, strengthened by anti-war feeling, ran second, the regular Democratic ticket winning easily, with the Mitchel independent ticket a poor third. On the Democratic ticket Smith was the nominee for President of the Board of Aldermen. He made plenty of speeches in the campaign, but none of significance, except as they illustrate his gift as a popular campaigner, ridiculing minor weaknesses of the opposition.

His opponent for President of the Board was Robert Adamson, a journalist, who had been secretary to Mayor Gaynor. He was a man of high quality, but not fitted to cope with Smith in a political contest. Few men are. Adamson had the idea, however, of challenging Smith to a joint

debate, which took place before a club in Brooklyn. During his speech Adamson asked, "What are your qualifications for the office of President of the Board of Aldermen?"

When it came Smith's time to answer this question, he said: "My qualifications are twelve years a member of the New York Legislature and four years Democratic floor leader there. I was for one year Speaker of the Assembly. I was six years on its Cities Committee, which revised the New York City charter. As chairman of the Ways and Means Committee I personally prepared the State budget. It cut down expenses by $15,000,000 as compared with the last of Governor Hughes's administration.

"I was vice-chairman of the committee which obtained the enactment of our existing excellent factory fire prevention laws. I was a member of all the important committees of the last Constitutional Convention. If there is any man in the city with the same legislative experience, let him speak. I will be glad to surrender my nomination to him and go back to Fulton Market."

It was an indiscreet question that Adamson had asked, and there was nothing left for him to say when Smith sat down.

As President of the Board of Aldermen, Smith sat constantly on the Board of Estimate and Apportionment in which is vested much of the power of the New York City government. The chairman of this Board is the Mayor. Inevitably, therefore, Smith received a vivid impression of

the makeup of John F. Hylan. This impression has played a part in some of Smith's later decisions and adventures, the more so because Hylan was in close association with the powerful publisher of the New York *American* and the *Evening Journal*, William Randolph Hearst.

Smith believed in the honesty of Hylan and in his desire to serve the public. Like Smith himself, and Robert F. Wagner, who had worked so closely with Smith in Albany and in the Constitutional Convention, Hylan had started from poverty. As a young man he had been a motorman. Like Wagner again, he had by his own efforts prepared himself for the law. During his not important practice of his profession in Brooklyn he had made himself member of a citizens' committee, in which he had been active on various subjects such as taxation and opposition to large corporations. He had been made a Judge of the County Court, in which position he was industrious and honest. Smith had done more effective work to elect the ticket headed by Hylan than any one else. He had been a little discussed for the position of mayor himself, but it had not been offered to him. One of the reasons that Hylan was favored by Murphy at that time was that Murphy wished to conciliate Hearst, or at least to have a candidate whom Hearst would support, and who represented the important borough of Brooklyn.

When Hylan became mayor he followed a definite program. He gave all the appointments to Tammany Hall, and he took all the Hearst policies. No mayor ever ac-

cepted more thoroughly the list of appointments sent from Fourteenth Street. For a time, this division was successful. Hylan had a second term, but trouble began when he asked for a third term. The decision taken by Smith on this question of the third term for Hylan comes into our story later. The important thing at the moment is that Smith, during his contact with Hylan on the Board of Estimate, made up his mind quite firmly that Hylan was entirely lacking in intelligence. Whereas Smith approached any subject with the desire to get all the facts, and all the considerations brought forward by all conflicting interests, and then to reach some constructive plan based on the most exact and broad study, Hylan was incapable of such research, or such thought, and tried to solve everything by the application of some moral rule. Usually this rule took the form of protecting the people against the interests, which was well enough as a starting point, had he not ended, as well as begun, with the statement of the rule.

Possibly Smith's attitude toward Hylan, about which he kept silent for a time, was never better expressed than when they both at a later period had to deal with the immensely complicated question of the port facilities of the harbor of New York. Smith accepted appointment on the Port Authority from Governor Miller, the Republican who came in with the tidal wave of 1920. He was thrilled by the problem. It was exactly the kind of massive subject he loved. Obviously the very basis of a constructive solution had to be some agreement between the two States af-

fected, New York and New Jersey. It involved difficult questions of law and difficult questions of business. In the course of the working out of the plan there was a hearing in Albany. Smith regretted that Hylan did not attend this hearing. He had a faint hope that the uncommonly able explanation of the business advantages of the plan that had been worked out, as these advantages were presented by first-class business men, might appeal to Hylan. He was also excited himself by the excellent manner in which the legal difficulties and their solutions were put forward by distinguished lawyers. He made a remarkable speech at the hearing, and the Legislature adopted the plan, but Hylan never withdrew what Smith considered his ignorant opposition. A year later, when Smith was again governor, he attempted to win over the members of the Board of Estimate and Hylan. He invited them to dinner and once again went carefully over the whole project.

Toward the end of the evening the Mayor made an opportunity to speak to Smith in another room, and what he said ran like this: "Look here, Al, what's the use of our fooling with New Jersey in this matter? Let us get up a Port Authority of our own. If you don't want to go back to Albany, I'll appoint you commissioner with a big salary."

Often Smith told this story to his friends: "Think of it. Here was a magnificent plan, magnificently presented, from the legal standpoint and from the business stand-

point, and all the Mayor of New York could say on the subject was to offer me a job."

In later times he has explained his final decision that Hylan must be eliminated in such words as these: "I do not think it is fair to the people of New York that a man with so little intelligence should again be their mayor, and I personally am ashamed to have the city represented by him."

During the few months in which Smith was in his new position of President of the Board of Aldermen, two things of moderate importance came up.

He had for a long time been interested in all reasonable proposals for the elimination of the middleman. He had reached the conclusion, for example, when freight rates were being widely discussed, that no legislation on freight rates could have the effect on the cost of living that might be brought about if the number of middlemen could be lessened. City markets were initiated by John Purroy Mitchel, and Henry Moskowitz, one of the authors of this book, was the first market commissioner. As such, he had ample opportunity to realize how Smith's mind was working on the problem of distribution. Of Smith's own part in this movement, F. M. Davenport, who is now a member of Congress, has told of a statement made to him by Smith when he was President of the Board of Aldermen.

"I asked Al Smith when I met him a little while ago what he had in mind that ought to be worked out at once

for his native city. 'The development,' said he immediately, 'of a system of terminal and public markets. A better method for the transportation and distribution of the food supply. A larger return to the city from millions of dollars' worth of real estate which the city owns but leased years ago at too favorable rates. More adequate dock facilities and the construction of new piers and the full development of the whole water front. I am also strongly of the belief that the city should have the power to purchase, construct, and own and operate any public utility. How soon and to what extent the power should be exercised is a question for the future. There are a good many non-paying public utilities in New York. I am not keen about getting control of them. But the constitution will permit us to begin with the utility that earns revenue sufficient to sustain the bonds, to pay interest, and retire the bonds at maturity.' "

During his first campaign for the governorship, Smith gave the following statement of the market policy he had followed as President of the Board of Aldermen: "Profiteering can never be prevented in the traffic of life's necessities so long as the two essential factors, producer and consumer, are left helpless as they have been in former years.

"It is my conviction that we should have publicly owned and controlled terminal markets in our City of New York, which will insure an open channel from producer to consumer.

"The proposed program submitted by Jonathan C. Day, commissioner of public markets, for the establishment of terminal markets, meets with my hearty approval.

"It is constructive and comprehensive. It will require time, thought, and energy to complete it. When it is under way, it will assist the producers of the State no less than the consumers in the city.

"Like similar systems in foreign cities, it offers full opportunity to legitimate middlemen and distributors.

"It represents in the field of our economic life my ideal of democracy in our civic life, government of the people, by the people, and for the people."

The other matter worth noting illustrated his belief in freedom. In his first speech as President of the Board of Aldermen, he said: "I have a keen understanding of the relationship to the body of the minority and the minor minority. The people rule negatively as well as affirmatively, and a good, healthy, vigorous minority is the necessary check on great power.

"The rules of the board are intended for the protection of the rights of the minorities as well as to expedite the business of the majority. In that spirit, I will interpret them with a desire to do equal and even-handed justice to all." He therefore gave the Socialist members of the Board proper committee assignments. Except in the war years of 1917 and 1918, he has always had a large Socialist vote.

What brought about the first nomination of Smith for

the governorship was not any sharply defined series of events. As the time for the Convention approached, it was clear that the Democrats had nobody to compare with him. It was not merely his personal popularity in his own city. Indeed, that particular asset was kept in the background. It was obvious to the astute leaders that it was better to take that asset for granted, and to let the opinion of the upstate Democrats occupy the foreground. Smith's twelve years in the Legislature had given him more friends and political admirers throughout the state than were had by any other New York Democrat. The accumulation of upstate Democratic opinion, therefore, was allowed the most prominent place as a force leading to the nomination. William Church Osborne, distinguished upstate independent Democrat, ran against him in the primaries but without making any headway. He later became one of his staunch supporters and stumped the state to reëlect him governor in 1920, appearing on the same platform with him night after night.

By the New York Primary Law, the party may "designate" a candidate at a convention before the primary. The Democratic Convention was at Saratoga. As Mrs. Smith could not be present, it was agreed that the family should be represented by one of the children. There was some discussion as to which one should have the pleasure. Arthur at the time was ten years old. He assured his mother that if he were permitted to be the visitor he would "bring home the bacon."

The boy sat in the gallery and counted every vote. When the result was known, he dashed to a telephone, and cried to his mother, "See, I told you I'd bring home the bacon, and I did. We've got it."

The war did not count in the campaign. Smith was firmly sympathetic with Wilson's policies and had proven, as might be expected, an effective speaker in selling Liberty Bonds. In pressing the issue in the campaign, he refrained from the more violent forms of war talk, and confined himself to the necessity of standing behind the President for the sake of bringing the war to a quick and successful finish.

In this first of his five campaigns for the governorship, Smith stood on his record and his personality, without focusing as much on a few special issues as he did in his later campaigns.

In his first campaign he put out these felicitous words: "No man owes more to his country than I do. No man has been more benefited by the free institutions of this state than I have." The word "free" is worth remembering.

An important development in this campaign was that Smith began a system he has steadily carried out. The chairman of his personal campaign was Abram I. Elkus, a non-Tammany Democrat, former minister to Turkey, and former counsel for the Factory Investigation Commission. On the committee were outstanding intellectuals of many types of political opinion. It was the first of-

ficial notice that Smith had reached a point where the fruition of his political ideas required the coöperation less of ordinary politicians than of men and women who could fairly be called specialists in progressive citizenship. There has been in all of his campaigns for the governorship a board of strategy on which both this element and the practical politician element have been represented. The nearest to what could be called a liaison official between the two groups has been John F. Gilchrist, the present Transit Commissioner, his close friend since boyhood, trusted by Tammany and by the community for his vigorous honesty and fearless courage. The inevitable division of the work has followed the lines of special ability. The politicians have done their kind of organizing. The selected citizens have helped Smith to think out and express policies.

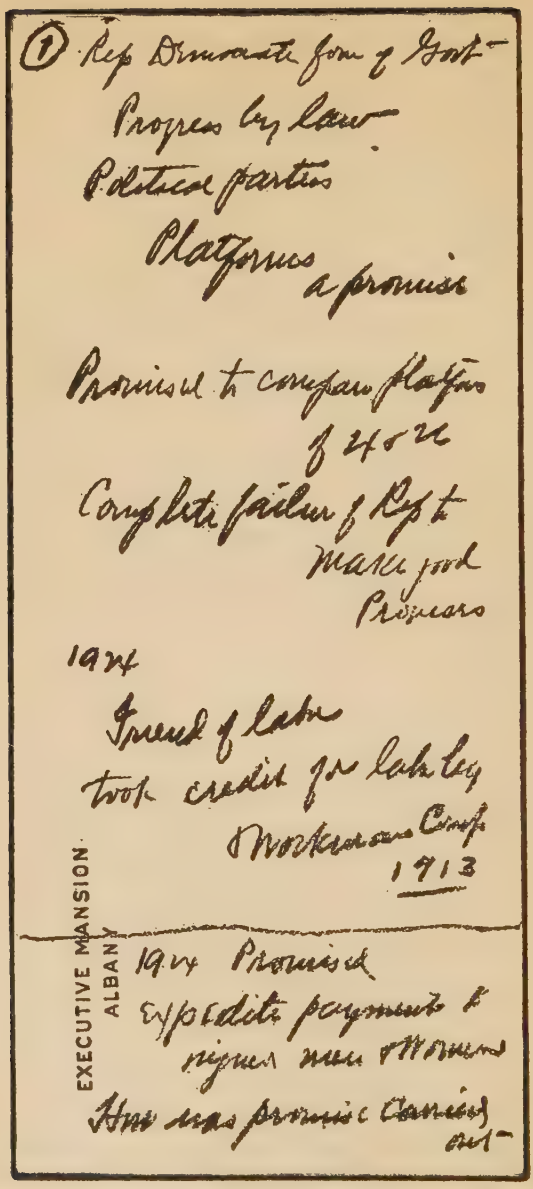
A first-class executive requires many gifts. One of them is the power to use a large number of minds for purposes for which they are adapted. A man who, for the first time in history, was to be five times nominated for and four times elected governor of the state largest in population in the union, was to need the faculty of making his selections both for administrative ability and for advisory cooperation. His selection of Elkus and his associates serves as one signpost in his career.

Smith's powers during a campaign were to become every year better appreciated, but they were already known. He seldom gets to his feet without a clear conception of the

idea to be left with his hearer, and of the steps by which it is to be driven in. First he prepares in his own mind his outline. He makes sure that all desired material is available. If it happens to be a situation in which it is necessary to give advance copies to the newspapers, he dictates his principal themes in advance.

The dictation finished, he takes a sheaf of legal size envelopes and on each, with a favorite kind of soft lead pencil, he writes out in his own hand the top head with a few subheads. Each envelope is devoted to a single topic. Any document needed in his work will be found in a convenient file folder, carefully marked for identification.

With the envelopes lying on a desk in front of him as he addresses his audience, he often covers the dictated portions which have been given out to the newspapers, without reading them, but in practically the exact words, thus again making use of his powerful memory. This ability to memorize is what actors call exceptionally quick study. His mixture of preparation and informality is such as to make sure of the solid impression he seeks and, at the same time, to leave him easy in repartee and sallies that may grow out of what other people have said. That he can be called an eloquent speaker there is no doubt, although it is not precisely easy to say what makes him eloquent. His voice is resonant and large but rough. His gestures are free and vigorous, but not especially graceful. His arms are likely to swing away from somewhere near his heart. He often bends forward like a perspiring evan-



FACSIMILES OF ENVELOPES CONTAINING NOTES ON TYPICAL CAMPAIGN SPEECHES IN THE GOVERNOR'S HANDWRITING

(Y) My message
Senate Committee $2500
Knight – Hygiene
did opposite
Re org provides for add
Members
of Ins Bd

Pag 3 (XX)
" " (X)
" " (A)

48 Hour Bill
Women & Children

Senate Action
Assy " fraud.

EXECUTIVE MANSION
ALBANY

last session
New Committee

Never thus grant to
Promise again (B)

(3) Whole record
Daly Machold
Compare platforms
Wagner Myself
Mills Blacksmith

STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY

(1) Not there? my care of app bills

Mills said some foolish things

How will he accomplish reduction

2 ways { starvation of Depts
postponement of obligations

under Miller Hospital Commission

" me proper ways better help

in Binghamton 2 yrs ago

History of Hospitals

first one to tackle problem

ask Mills ~~Dr~~ will he reduce

Cost of Govt by starving Hospitals

---

feeble minded

Deaf & dumb — Blind

Crip children Tuberculous

under me

What about Mills

State police

What about Mills.

(6) Economy talking point

tax reduction { Mean / Direct

return to tax pay. 30 Wallace

"Public record"

take a plea

Pray sensibly economic

forward looking Govt

Will H Conlon

gelist. One can scarcely be more exact than to say that these various attributes combine to express his personality and to carry its charm to the audience while the point of his speech is being made clear and driven successfully into their minds.

If he is speaking to a more formal gathering, as before a Chamber of Commerce or a group of experts, he is more quiet; he is more complete on the intellectual side of his speech, and sounds more like the lecturer than the campaigner. A person hearing Smith on one of these occasions, or meeting him personally, and expecting to see the diverting side that has become famous, is often surprised by his dignity.

An essential part of his technique in a campaign is that each speech usually deals with one subject. A few other topics will be lightly touched upon as called for by the occasion, but the essence of the speech is that he takes out one thing of importance and drives that in so thoroughly that every person of the audience carries it away.

Another essential part is that Smith himself plans a campaign from the beginning to the end before he goes into it. He knows how long it requires to cover the state thoroughly and to end with a proper climax. In following out his carefully prepared plans, he is capable of resisting much opposition. Many of the politicians around him become nervous when the Republicans seem to be getting a good start and the Democrats seem to be doing nothing. No nervousness of the organization affects Smith. When

he is ready, he appears at headquarters and the real campaign begins. Never has the temperature of the organization failed to take a big jump when Smith appears on the scene ready for the fray.

Of course, he has all of the more familiar campaigning principles, such as talking in each city on a subject appropriate to that town. In Ithaca, the seat of a university, he is sure to give one of his more intellectual addresses. In Rochester or Buffalo, water power is appropriate. In Binghamton, where there is a large State hospital, there is sure to be interest in the plans going forward for improving the State institutions. While Smith is touring the state, he is not only making speeches, but is busy gathering information, and he does not do it as it is done by ordinary party politicians. He hears what is to be said by the Democrats, but he makes sure also of seeing those Republicans whom he knows best and who will give him candidly what is known in their world as the low-down on the political outlook. When he is through with a campaign, nobody can make a better guess on the outcome in different regions. In his first campaign for governor, men around him were talking about a big victory. Smith knew it was going to be very close. In fact he won by 18,000 before the soldier vote came in. He postponed claiming victory for a couple of days after the election and after a special trip to Syracuse to protect the ballot boxes.

It is almost always part of his plans to do the upstate work first. His next to the last big speech is in Brooklyn

in the Academy of Music. He takes a special delight in this occasion. The audience is large; it packs the aisles; it crowds the platform; it is full of enthusiasm. The tension of the campaign has reached its height. The one remaining speech is in Manhattan in some such large auditorium as Carnegie Hall or the Metropolitan Opera House. That is always sure to be a hectic climax, but for some reason or other, the Brooklyn speech seems to exhilarate Smith most of all. In 1918 he made this Brooklyn Academy speech on Friday evening, November 1. Destiny was playing into his hands.

On this same Friday evening, November 1, at 6.42 P.M., a Brighton train on the Brooklyn Manhattan Transit, in charge of a green motorman, was driven beyond signals. Its three first cars crashed to fragments in the Malbone Street Tunnel. About ninety people were killed, and over a hundred were injured.

On that evening, Smith at the Brooklyn Academy of Music was calling the public service commissions "the most costly fiasco in the history of our government."

"Politics controlling the appointments has made itself felt down through the minor employees, and even positions undoubtedly requiring technical knowledge because of their character were filled by Republican district leaders. . . .

"What has Governor Whitman to say about all this? Does he really believe it to be entirely unnecessary that

he make any explanation? What can be his conception of this State?"

He went on to speak of Whitman: "In the closing hours of the campaign his sole reply seems to be that I am unfit for the office of governor because I was born in a tenement on the East Side. It is true. In fact, it is one of the few things he said which is true. I not only admit it, but I glory in it. That is one of the things that distinguishes America from all other countries under the sun."

The day after the accident excitement was intense. Mayor Hylan issued a diatribe against the "interests." Sitting as a magistrate he issued warrants against high officials. The District Attorney of Brooklyn, Governor Whitman, and Public Service Commissioners were all running around investigating.

The Democrats rushed an advertisement into the papers. It told of the wreck. It gave the reason: "The present Public Service Commission is merely a political machine." It demanded the remedy—to turn out those who had made it a political machine.

Smith had thought that if he got a plurality of from 50,000 to 55,000 in Brooklyn he might slip through. He got about 90,000. Nor was this all destiny did in the campaign; it was not even the main thing. The Republican strength is upstate. An influenza epidemic in those Republican strongholds resulted in a dead campaign. Meetings were prohibited. Some people wore devices on

their noses as they walked the streets. The vote fell off as it did not in the big city. With the soldier vote which came in weeks later his plurality was 14,842.

It was a creditable performance, as the political cards lay in the State. But it makes a contrast to two years later when, after showing the people what kind of a governor he was, he ran over a million votes ahead of the national ticket. Such a thing had never before occurred. Why did it happen?

Smith is a man in whose heart gratitude has ever been a dominating emotion. He was grateful to the friends of his youth, to Henry Campbell, to Tom Foley, to Murphy, and to all who had lent him a hand on his upward progress; but they were all members of his party. It was his party that had put him into the office of Commissioner of Jurors; his party had sent him to the Assembly; his party had made him sheriff; his party had made him President of the Board of Aldermen.

As he rose to take the oath of office on January 1, 1919, he glowed with realization that he had not been made governor of our most populous state by a party. That party alone, a minority, could not have bestowed upon him so great honor. That honor, which never before had been given to a man whose boyhood had been spent along the wharves, had been bestowed upon him by the people. As he looked out upon the Assembly Chamber it was hard for him to keep tears from his eyes. It was packed with loyal and loving friends. His old mother was there.

But mixed in with these warm parts of his own life was a spectacle that reached behind them, a spectacle of the people going out to cast a vote in which he seemed to hear these words: "We trust Al Smith. We know he is a little Irish Catholic boy from the poorest streets in New York. We know he had little schooling and has grown up with friends who had little schooling. We have watched him. We believe in his honesty. We believe that in the twelve years of his work in Albany he has had a good influence on his organization, on the life of the Legislature, and, through his leadership in the Convention, on the intellectual prospects of the State. We make him head of the political life of the State because we love him and trust him."

Not less clearly did the new Governor feel, as he put his hand upon the Bible, with his mother by his side, his wife and five children around him, that a new obligation had come into his life. There is an expression often used by the French, *noblesse oblige*, which means that noble birth (or indeed any kind of power) brings with it its obligations. It has been said of Smith that in this crisis he felt the *noblesse oblige* of poverty. What was meant when that expression was used was that as Smith realized he was the first person with an origin like his to be His Excellency, the Governor of New York, he declared in his heart he would not shame that origin, but on the contrary would lend it glory.

Chapter VI

IN THE GOVERNOR'S CHAIR

With Smith in the Governor's chair, a place in our story is reached to insert a statement of his views on the general subject of parties. He says:

"Under our system of government, organized political parties are essential for ascertaining the will of the majority of the people. The medium through which that will is ascertained is a party platform. The party platform is a declaration of political faith and the promise to the people of performance in political office should a majority of the people see fit to approve the platform, endorse the principles of the party, and select its candidates for public office. A platform to compel the confidence of the people must in the first instance be honest. It must be straightforward, clean-cut, and free from misleading promises susceptible of different interpretations."

In pursuit of this theory, Smith carefully studies every plank in the party platforms at conventions. Nothing is slipped in without his knowledge and understanding. At times he uses his own will against the will of the majority of the politicians of his party, as when he insisted in 1920 on the insertion of a plank on housing and, more recently, joined with Senator Wagner, Franklin Roose-

velt, and others in advocating a World Court plank in the platform. As a rule his function has been to see that the planks are sincere and definite, and then that they are lived up to.

Anybody who wishes to undertake such an exercise can find this spirit carried out by comparing the Governor's annual messages to the Legislature with the pledges given in the platform. When he starts to write a message, the platform lies in front of him. He checks what he says with what is in the platform. From this rule he never departs.

We have already indicated that an explanation is needed for the sudden change in Smith's strength between 1918 and 1920, as well as for its steady march in the seven following years. If with striking and unusual luck he was barely elected in 1918, why did he run more than a million votes ahead of his ticket in 1920? It means, of course, that he had already shown the people of the State the kind of governor he was; what he intended to do, and his methods of doing it.

It was after Smith had been Governor for two years that he ran 1,090,929 votes ahead of the presidential ticket. He was succeeded in office January 1, 1921, by Nathan L. Miller, a distinguished lawyer and judge who was and is a favorite of big business Republicans. Miller was looked upon by the financial element as particularly well equipped for the position and they were pleased with his work through his term. Two years later in 1922, after

two years in private life, Smith ran against him again, receiving 1,977,657 votes, and was elected by the unprecedented majority of 385,932. After that came a presidential election in 1924. Smith ran against the very popular young Colonel Theodore Roosevelt. Coolidge carried the State by a plurality of 869,262. In spite of this enormous Republican wave, Smith was elected by 108,561. In 1926 the Republicans put against Smith the man they considered their strongest possible candidate, Representative Ogden L. Mills. Again Smith won, by 247,478 votes.

Smith could never have turned New York from the Republican column into the Democratic if his understanding had been confined to the great city. His triumphs would have been impossible had he not comprehended the needs of the smaller cities and the agricultural districts as well as he understood those of the metropolis. It is worth notice that in 1926 Smith's vote in the city fell off, while it increased in cities and counties upstate. When he took his seat on January 1, 1918, he knew what he wanted. He started out with a program which he has pursued with energy up to the present day; some of it is finished; some remains to be finished. It all hangs together, and the people of New York have decided that it is honest, liberal, and sound. He had a series of measures of major importance, and he hammered those measures through the Legislature. When it was necessary he went with convincing appeals direct to the

people. Except for the sessions of 1923 and 1924 both the Assembly and the Senate have been Republican. In those two sessions the Senate had a Democratic majority of one, under the leadership of James J. Walker, the present mayor of New York. When Smith was reëlected in 1922 Governor Miller sent him a telegram reading, "Evidently the voters prefer your brand of government to mine." It was a frank way of putting the result. The voters had had Miller for two years giving an intelligent representation of plutocracy. They had to choose and they chose with emphasis.

When they first made up their minds about the kind of a governor Al Smith was, attention at Albany was turning to a considerable extent toward welfare measures with which Smith had been associated for many years. He was able to make clear that the Labor Department had been crippled by Republican administration. He was able to liberalize the Labor Law and the Workmen's Compensation Law. In campaigning against Miller he took by the horns the question of what economy in State government means. He denied that it means starvation for vital departments of the government. He demanded that the State be looked upon as an instrument for the service of the people and that economy be measured not by the amount of money spent but by the amount obtained for the people in return for every dollar expended. This crowding to the front of the definition of true and false economy was a representation of Smith's mind. He

stated the case over and over again, pointing out the consequences of false economy as applied to the Department of Labor, and therefore to the laboring classes. He showed how the wards in State institutions were suffering from the previous policy inaugurated during his absence from Albany. His picture of underpaid attendants and nurses, insufficient help at the hospitals because no service could be obtained at the salaries paid, was all the more convincing because he painted it as the result of his personal visits to the institutions. "In the hot midsummer days, I saw patients who had to stay indoors all the time because there were not enough attendants to take care of them if they were allowed out for an airing." It was during his first term that he was successful in abolishing the direct settlement amendment to the Workmen's Compensation Law. This amendment had been brought about during the administration of Governor Whitman, and Smith had already pointed out in the Legislature how such a clause would take the very life out of the law that was specifically intended to protect the working man from the hopeless inferiority of position in which he would find himself if, in his desperate need, he had to negotiate with a wealthy corporation and with that corporation's highly skilled lawyers.

From the point of view of Smith's personal career, political opposition was an asset. As he once said to the authors of this book: "If the Republicans had not used partisan obstructive tactics against me, I should have been

back in private life long ago." He would have won prestige if he had been able to rush his whole program through merely because it was modern, sound, and wise. On the other hand, if he had finished it up promptly, the story would have been ended before the public, outside of New York at any rate, had faced its religious prejudices and decided how far it cared to carry them. By fighting the Governor partly for the sole purpose of embarrassing him, and partly for the protection of privilege, the Republicans spread his issues so that he had a convenient number of them in every one of his campaigns. For example, the executive budget did not finally pass the Legislature until the session of 1927. The housing program, incomplete, passed in 1926. The park program went through in 1925.

The forty-eight-hour bill for women and children has always been close to Smith's convictions and affections. He advocated its passage in his first term at Albany. In 1923 it came up in the Assembly for a vote to discharge the Committee from further consideration of it—always a test of how the Legislature will stand—five minutes before the repeal of the Mullan-Gage bill was voted on. The legislators, scattered all over the Capitol tense with the excitement of the Mullan-Gage repeal, could scarcely be herded together to vote at all on the subject, although a few minutes later they were all in their seats eager for the fight on the liquor bill.

Smith fought side by side with the women and girls

who came to Albany for this measure and for the living wage bill. Court decisions made it hard to continue the fight for the wage bill. But the forty-eight-hour bill was different. Opposed by the manufacturers' lobby, an organization called "Associated Industries, Inc.," it was bitterly fought from session to session. Women like Mary Dreier, Mrs. Franklin Roosevelt, Mrs. Howard Bens, Rose Schneiderman of the Woman's Trade Union League, were in Albany day after day representing the Joint Legislative Conference, composed of representatives of the Y.W.C.A., the League of Women Voters, the Women's City Club, and similar organizations. On the last night of the session in 1923, in the closing hours, they discovered a possible chance of bringing the bill on the floor for a vote, and they believed that if they could they had the votes to pass it. Mary Dreier came to the Executive Chamber to see a worn and weary Governor and to ask that even at that hour he send an emergency message to the Legislature to enable the bill to come up. It was nearly midnight; any minute the Speaker's gavel might fall, to close the session, but Governor Smith gave them the message. It failed.

The opposition to this measure was so bitter that it even went to the lengths of trumping up charges against the Commissioner of Labor, Bernard L. Shientag, to cover its tracks in lobbying against the bill. At the hearing on the charges, personally conducted by the Governor, he brought out a letter which had been sent to the

members of the Associated Industries by their lobbyists, warning them to be on their guard lest the forty-eight-hour bill pass, and urging redoubled efforts to prevent it. In 1924, one Republican assemblyman who voted against it, after promising to vote for it, and whose favorable vote could have passed the bill, nearly lost his seat at the next election, and his majority was so dangerously cut that he never went back after that year.

In 1926 it came near to passage, but was beaten again by the lobby, in spite of an investigation made under the auspices of the Women's Division of the Republican State Committee. A compromise was reached, the Republican Legislature appointing a commission to consider all labor legislation and report to the Legislature of 1927. The compromise bill reported for a forty-eight-hour week in six full days of work. If the employer gives a half holiday his working week may consist of five days of nine hours and four hours on Saturday. The employer, under this bill, also has seventy-two hours of overtime, which he may distribute as he sees fit, but before he starts his overtime he must inform the Department of Labor. It was well known in the State that this compromise was unsatisfactory to the Governor.

Smith has not undertaken to carry out his sweeping program by combat alone. He chooses controversy only when other methods fail. Nobody alive goes to the public more audaciously when it is necessary, but also nobody is more pleased if measures can be passed by patient con-

ference, even involving give and take, if what is given is not too essential.

After he took his seat in the executive office the Governor did not lose his friendliness and popularity. His door is wide open. The hours that he spends in his office are largely given up to visits, not only from Democratic members of the Assembly, but from Republicans also, and representatives of the general public.

The same rapid and determined method of finishing business that was noted when he was Speaker of the Assembly expresses itself in disposing of the things that reach the Governor's desk. In order to keep up his mastery of all the measures with which he deals, it is necessary for him to study documents in the evening, and the light in his study window is often seen far into the night.

His personal charm and popularity would have sunk into a minor place long ago had it not been for his distinction as a sheer public educator. Take, for example, the year 1925. Off-year elections are usually dull. The Governor went before the people with a fundamental principle of finance. He debated it with Congressman Mills at the Economic Club in New York City in the spring of 1925. He debated it in Buffalo the same year with Ogden Mills. In addition to the debates he spoke from one end of the state to the other on the subject of the principal amendments to the constitution. One of these amendments enabled the Legislature to expend within ten years $10,000,000 a year for bond issues to make

permanent public improvements. Another of them provided for the issuing of three hundred million dollars' worth of bonds with which the State was to assist railroads and local communities in eliminating grade crossings. The third reorganized the State government. The fourth reorganized the judiciary system.

When the campaign began in 1925, interest concentrated particularly on the amendments, because they promised the hardest fight. The majority of observers thought Smith at last was undertaking too much, even for him, so strong was the hostility to some of the amendments, and so easy was it to state the other side in such phrases as "Pay as you go," and "Let the railroads abolish their own grade crossings." After the election the *New York Times*, referring to the fact that the Governor himself had rid New York City of Mayor Hylan, went on to say: "Even greater in some respects was the victory of the Governor in securing the adoption of the constitutional amendments. But for his championship of them, his speeches, his explanations and defenses, his personal appeals up and down the state, they would almost certainly have failed. In particular, the $100,000,000 bond amendment would have been defeated except for his labors and the confidence which the people of the State had in the soundness of his judgment and his unselfish motives. The adoption of this amendment, what with the open and secret opposition to it by the Republicans, con-

stituted an unexampled tribute to the Governor of the State."

In this chapter, in which we are merely sketching an outline of the picture being put before the people by the Governor of what he looks upon as the proper kind of State government, it is necessary to give a prominent place to his appointments. It has not been easy sledding for him to carry through his theory that the man he wants is the man he can get the best work out of; but he knows, and has known for many years, that if he is going to carry out his plan of showing what can be done by a poor boy raised to the highest place in the State, he must do it by being sound on every part of his foundation. His departments and his various boards, therefore, must be selected for honesty and efficiency, not for the party label.

The pressure on Smith for offices to be used as political rewards has been stronger from upstate than from Tammany. This was in part because Murphy, in the critical days of 1918 and 1919, when Smith was getting started, understood the Governor, sympathized with him, and did what he could to make things easy for him. The upstate democracy, on the other hand, was hungry. It had seldom seen victory. It did not have local offices to feed it, such as Tammany Hall had in New York City. Local leaders came to Smith with heart-rending tales about the needs of their local organizations. Smith always received their suggestions with urbanity. It was seldom indeed

they could suggest anybody fit for an important position, partly because Democrats were scarce in their part of the state, but it was wise to let them talk themselves out and give them the theoretical chance of finding people up to the Governor's requirements. In the end, the organization got few appointments.

It got fewer appointments, for example, than the Republican organization got from Theodore Roosevelt. When Charles Evans Hughes was governor he was less willing to accept party offerings than Roosevelt was, but when he went outside the organization and offered jobs to men eminently successful in private business they usually would not accept. If Smith has set a higher standard of appointments than has been seen in the State before, it has been because of his conception of what he wants, plus his ability to turn down a politician without annoying him.

One of the most important positions in the State is that of Highway Commissioner. "Why in the devil," Smith observed as he reached Albany, "shouldn't it be possible to find somebody to fill this place who will not build the highways just to please the politicians?" He set the wheels in motion. The suggestion that appealed to him most told of a man entirely outside of politics who had done splendid work for Pershing in France in building military roads and was just being discharged from service. After hearing the report on Colonel Frederick Stuart Greene, Smith sent for him. Greene started

out timidly to say something about his lack of knowledge of politics. "I did not send for you," the Governor broke in, "to tell me about politics. I sent for you to know whether or not you could build roads."

Greene went away without any notion whether he was to be appointed, but pleased with the Governor. Indeed, he said he had had twenty minutes with the most interesting man he had ever met. Weeks passed by, and he assumed he was not to have the appointment. He got it, however, after the Governor had made an investigation. Immediately after the personal meeting, the Governor merely said: "He is a likely person." When he had made up his mind he telephoned to the adviser who had suggested Greene and said: "Give me the front name of that man Greene. I want to send it in." From that day to this, Greene has been a thorn in the flesh of the office seekers. They have never ceased going to the Governor and complaining that they can get nothing from the Highway Commissioner. The Governor takes a pathetic and comic attitude. "What can I do?" he asks. "I speak to him, but he pays no attention to what I say." At another time he will say to a complaining politician: "Of course, Greene is a —— in May, but think what an angel he is in November." The politician only half understands what he means. He means, of course, that when there is no election on, the politicians complain of the fact that Greene will not let them get their feet in the trough, but that when the large voting public is to be consulted the honest

and efficient work of the Highway Department takes its place among the causes of victory. There had been plenty of scandal in the department under some previous administrations. Smith's work in the Legislature had prepared him to understand the scandals. He knew roads had been built often for no other purpose than to satisfy powerful local leaders. The Highway Department was to the State what the police department had been to New York City, and not a few Democratic administrations in the city had been wrecked by the police department.

One of the most powerful Democratic leaders in the state was set upon getting his choice into the Highway Department to fill a vacant post of second deputy. The law requires certain qualifications for that post. The man he recommended was a jeweler. "What does he know about roads?" asked the Governor. It turned out that he knew nothing. "Give me another name," said Smith. The next name was a bookkeeper. "I'll put that fellow in the banking department where he can be useful and get an opportunity for a future, but he does not know anything about roads. Put a man where his experience and connection will help him if you are really interested in him. What does a bookkeeper know about the difference between concrete and cement?" "Governor," said the disappointed leader, "you don't want to help the Democratic party. I want to place these men. They are party workers." This aroused the Governor. Rising in his chair he said: "You don't want to place these men. You want that

particular place in the Highway Department. I have been in your town often. I have walked on its sidewalks and I have seen the folks look just like those I know on Second and Third Avenues in New York. They ought to be just as good Democrats, but when the election returns come in you can't find them. There has been some cheating somewhere." Smith referred to the deals of local Democrats with local Republicans, especially on highway contracts. He stopped, refraining from the obvious addition that his popularity has helped the local Democratic tickets as that of no other Democrat in the history of the State.

Greene's ability to offend regular politicians has several branches. It is partly that his office has more patronage than any other. It is partly that he insists on appointments for efficiency and honesty only. Greene does not bother himself with the kind of tact that Smith shows. It is partly that he promptly got rid of extra men who were not needed. Although he saved hundreds of thousands of dollars, in the game of politics it is a capital crime to diminish the number of offices. What he has accomplished every motorist and every citizen must know. He has built concrete roads. He has abandoned the good old policy which was known as "More miles, more votes," the expression covering the policy of building cheap roads that lack durability, and putting the roads where they will do the most political good. Greene has established a new highway map, which locates roads based

upon the needs of the State, and secured its adoption by the Legislature.

One of the first results of the Governor's efforts to consolidate at least some of the State departments while waiting for constitutional amendments to pass, was the setting up of the Department of Public Works in 1925 and putting into it the canals, the highways, and the supervision of public buildings. Greene was eminently fitted to do this job and he was put at the head of the new department. In the first year he saved $750,000. By this merger the canals are now administered with the assistance of civil service engineering experts who have taken the place of political appointees.

How did the Governor select, as State Architect, Sullivan W. Jones? He asked for and received a list of several names suggested by prominent members of the American Institute of Architects. Jones, whose name was on it, had built up a good reputation, especially in the field of estimating costs and testing jobs and materials. Moreover, he had worked on the State Education Building in Albany. "I like his front name," said the Governor, "and he certainly seems to have the goods. Let me size him up." So he had him come to see him, liked his "get-up," and made the appointment. Before receiving the list of names, he had never heard of him. Politicians promptly came around complaining that Jones was not a Democrat. He had voted the Farmer-Labor ticket. Smith replied: "I did not ask what his politics were. I want an archi-

tect." Jones has been of assistance to the Governor in his bond issue campaigns and in the coöperation he has given in rebuilding the State institutions.

The Labor Department, when Smith first took office, was administered by a commission of five members. Smith had one vacancy to fill immediately. He appointed Frances Perkins, a well-known worker in the field of labor legislation, whom he had known as an investigator in the days of the Factory Commission. He later named Bernard L. Shientag, who had been assistant counsel in the investigation, to be counsel to the department. During Governor Miller's term of office, the Republicans, made uneasy by the manufacturers' lobby, who wanted to curtail the activities of the department, and who were opposed to a woman of Miss Perkins' pronounced sympathy with the workers, took the proposed reorganization of the department as outlined in the Reconstruction Commission's report and enacted it into law. This abolished the commission of five at the head of the department and substituted a single commissioner at the head, with an Industrial Board of three members to administer the Workmen's Compensation Law and the Factory Code.

When Smith returned to office in 1923 he appointed Shientag Industrial Commissioner and Miss Perkins a member of the Industrial Board. She is now chairman of the Board, which has been enlarged to five members. Shientag is a real authority on labor laws. On account of the appointment of so efficient and thoroughly informed

a commissioner, cases under the Workmen's Compensation Act began to be more speedily disposed of. The State Insurance Fund was strengthened. Various bureaus, like that of the Bureau of Women in Industry, the Bureau of Industrial Hygiene, and others, have benefited. Every year some new form of attack was made on the Labor Department, culminating in a series of charges made against Shientag by Associated Industries. In the end the charges were publicly withdrawn, after a hearing lasting two days, in which the Governor himself acted as the investigator.

Smith was interested not only in labor laws as they might exist at any particular moment, but also in strengthening that arm of the government which is to be permanently engaged in enforcing such laws. Private interests have two ways of defeating public policies. The first is an attempt to prevent the passage of laws which may limit some private enterprise in order to promote the public welfare. When a law of this kind does pass, the next step is to paralyze the enforcing arm and thus make a dead letter of the law. Labor laws are not worth the paper they are written on unless they are properly administered. Governor Smith was constantly behind the fight to keep the enforcing agency for labor laws effective and to defeat attempts to weaken the laws themselves.

Smith did not stop observing and learning during the two years he was in business in New York City. Immediately after that experience he began making his reports

to the Legislature and to the people as though he were the president of a corporation, the legislators were directors, and the people were stockholders. It was also after his business experience that he began emphasizing the waste that lay in the fact that the State had been paying huge rentals instead of being housed in its own buildings. He has from time to time shown much interest in recalling that he himself auctioned off the old arsenal at Seventh Avenue, which was located in the cloak and suit district, and was very valuable. For this building he obtained $1,300,000, and proceeded to build a new arsenal in South Brooklyn, adjoining the Federal Supply Base, because from that point the State receives its supplies from the Federal government, and from that point they can be distributed in carload lots at considerably less cost.

At the head of the State Tax Department the Governor put an old friend, whom we met in a previous chapter, as a connecting link between the experts and the organization in the conduct of campaigns. This was John F. Gilchrist. As his associates the Governor appointed experts, who included Mark Graves, who had been director of the Budget Bureau under Governor Miller, and John J. Merrill, an expert on taxation.

George V. McLaughlin, superintendent of banks, originally appointed to that office by Smith, was retained by both Miller and Smith. Ultimately Smith turned him over to Mayor Walker to put into the unspeakably difficult and important post of Police Commissioner of New

York City. Nobody in a great many years has made as good an impression in the office of Police Commissioner as McLaughlin made. When Smith let him leave Albany for this important work he selected as his successor Frank H. Warder, who had been McLaughlin's first deputy, and had been recommended to the Governor by McLaughlin to succeed him.

For Superintendent of State Police he appointed Major John A. Warner. At that time he knew little about him and appointed him on the recommendation of the outgoing superintendent, Major Chandler, who had organized the State Police. Later on, the acquaintance with Warner resulted in the Major's marrying the Governor's daughter Emily.

As Conservation Commissioner during his first term, he retained John B. Pratt, the Republican already in office. Governor Miller let Mr. Pratt go, and appointed another Republican, Alexander MacDonald, who has been retained by Governor Smith throughout all his terms. He also has retained in office Frank B. Utter, head of the Division of Standards and Purchase. This bureau supervises and makes all purchases for State institutions. Nonpartisan philanthropic agencies are all agreed on Mr. Utter's fitness.

On the Civil Service Commission he appointed Mrs. Charles Bennett Smith and Colonel William Gorham Rice, both known as good friends of the civil service law.

When Commissioner Biggs of the State Department of Health died, Smith appointed his first deputy, Dr. Matthias F. Nicoll, to succeed him.

As his own secretary he appointed George B. Graves, who had been in the State service thirty-two years. Under the reorganization of the State government, Graves is now called Assistant to the Governor. Before Graves became secretary to Smith the post was filled by George Van Namee, now on the Public Service Commission. At a birthday dinner to his secretary, Smith said: "The State service is becoming specialized and the day is coming when political appointment where some one gets a job and some one else has to do the work for him is done away with. Otherwise we might just as well stop talking about this open avenue of opportunity. I don't like to be called cold-blooded about it but that is what is going to happen."

With his arm around his secretary's shoulder the Governor handed him a gold watch and chain, a gift of his friends, with the words: "George, it is with the best wishes of all the fellows who are looking at you."

After reviewing Graves's thirty-five years of service to the State, the Governor added: "The tune of 'Albany, dear Albany,' certainly sounds good to me. It has been Albany, dear Albany to me, and I see it is on the same page of the song book with 'Auld Lang Syne.'"

He also said: "We have in public life the quiet unassuming fellows who do the real work and grind out the

State's business day after day, and we have the fellows who go out and talk about it. George Graves is one of the fellows who quietly do the State's business."

In administering the State institutions, the Governor has been determined to keep their management free from political influence. As head of the Department of Mental Hygiene he chose first Dr. Floyd S. Haviland and as his successor, Dr. Frederick W. Parsons, both expert psychiatrists. While the department was under a triple-headed commission, he appointed Harriet May Mills as a member of it. As prison commissioners he had chosen men well known in prison administration.

Appointments such as these enabled him to say of a famous issue to be taken up in Chapter IX: "It is a well-known fact that I have made all of my appointments to public office on the basis of merit and have never asked any man about his religious belief.

"In the first month of this year, there gathered in the Capitol at Albany, the first governor's cabinet that ever sat in the State. It was composed under my appointment of one Catholic, thirteen Protestants, and one Jew."

Smith's appointment of General William N. Haskell as Major General of the National Guard was hailed by the press and the army as most fitting. His work in Russia as the head of the Hoover Relief Expedition during the famine was noteworthy.

There is a never-ceasing fire of complaint against Robert Moses, secretary of state. Smith pointed out tactfully,

when he made the appointment, that he had been accepting help from Moses for years without any return, and it would be most ungrateful to continue this policy. He therefore intended to regularize the relation by making him Secretary of State. The real reason was that he was the right man for the post, but Smith gave the kind of a reply the politicians could understand.

No better example can be desired of the non-partisan basis of government as understood and carried out by the Governor than the list of members of the Reconstruction Commission. It was on January 20, 1919, about three weeks after he took office for the first time, that he announced his appointment of such a commission to deal with a situation left by the war and also with the more permanent form of reconstruction made necessary by the Constitutional Convention. The names follow:

Abram I. Elkus, of New York City, who had served as counsel to the New York State Factory Investigating Commission; ambassador to Turkey, and a member of the State Board of Regents, lawyer.

Charles H. Sabin, president of the Guaranty Trust Company of New York City.

Bernard M. Baruch, of New York City, chairman of the Federal War Industries Board.

Gerrit Y. Lansing, of Albany, well-known banker and Federal fuel administrator for Albany County.

John Alan Hamilton, president of the Legal Aid Bureau of Buffalo, a Republican.

Dr. Felix Adler, leader of the New York Society for Ethical

Culture and well known generally throughout the country for his patriotic and civic activities.

Charles P. Steinmetz of the General Electric Company of Schenectady, inventor and electric expert, a Socialist.

John G. Agar, active in war work, and a prominent lawyer of New York City.

William M. I. Olcott, former district attorney of New York County, a Republican.

Arthur Williams, of the New York Edison Company of New York City, and Federal food comptroller of New York, also a Republican.

Michael Friedsam, president of B. Altman & Company of New York City, a Republican.

John C. McCall, secretary of the New York Life Insurance Company of New York City.

Thomas J. Quinn, president of the Bronx National Bank, New York City.

Alfred J. Johnson, city chamberlain of New York City.

Carleton A. Chase, prominent business man of Syracuse, New York, a Republican.

Dr. Henry Dwight Chapin, well-known physician of New York City, and especially interested in child welfare work.

Mortimer L. Schiff, son of Jacob H. Schiff, banker and philanthropist, of New York City, a Republican.

Mrs. Sarah A. Conboy, and Peter A. Brady, of New York City, representing the State Federation of Labor.

Addison B. Colvin, of Glens Falls, former Republican state treasurer, president of the Glens Falls Trust Company, and federal coal administrator for central New York.

Mrs. Walter W. Steele of Buffalo, prominent war worker of western New York.

Mrs. Harry Hastings, of New York City, of the Executive Committee of the Democratic County Committee of New York.

Edward F. Boyle, judge of the Municipal Court of New York City and now of the Children's Court.

Henry Evans, of New York City, president of the Continental Fire Insurance Company.

M. Samuel Stern, member for many years of the Board of Education of New York City.

Mrs. Lewis Stuyvesant Chanler, of Barrytown, Dutchess County, wife of former Lieutenant-Governor Chanler.

Thomas V. Patterson, of Brooklyn, president of the Lehigh & Scranton Coal Company, and member of the New York Produce Exchange and the Brooklyn Chamber of Commerce.

Mrs. William H. Good, of New York City, former president of the Civitas Club and active in charitable and civic organizations, and a member of the National League for Women's Service.

Norman E. Mack, of Buffalo, publisher of the Buffalo *Times* and the Democratic national committeeman from this State.

J. N. Beckley, prominent citizen of Rochester, Republican.

Otto B. Schulhof, prominent manufacturer of New York City.

V. Everit Macy, of Westchester, chairman of the Ship Building Labor Adjustment Board and chairman of the Executive Committee of the National Civic Federation, a Republican.

Richard S. Newcombe, prominent member of the bar and District Attorney of Queens County.

S. J. Lowell, of Fredonia, president of the New York State Grange, Republican.

Alfred E. Marling, of New York City, president of the Chamber of Commerce of New York State, a Republican.

The Governor's adherence to the civil service law is frequently referred to by that non-partisan civic organi-

zation, which specializes in the promotion and in the proper administration of this law—the Civil Service Reform Association.

In the 1925 Report is this: "Governor Smith has continued to maintain the high standard with respect to the application of the merit system in the State Civil Service for which we have had occasion in the past to praise him. He has again more than justified that praise. This year he vetoed seven bills, passed by the Legislature, which were opposed by the Association, and he signed but one relatively unimportant bill which had our opposition. By his support of the State Civil Service Commission he has enabled that body to resist the attempts made to weaken the proper administration of the law. Early this year great pressure was brought to bear upon the Governor to displace the Hon. William Gorham Rice, a member of the State Civil Service Commission, whose term was about to expire. Mr. Rice was originally appointed by Governor Whitman in 1925 and has served continuously through the first term of Governor Smith, and in spite of opposition the Governor has now reappointed him for six years more. His long experience and his traits of sterling character well fit him for his position."

From the 1926 Report: "During the past year Governor Smith has in general continued his excellent record in support of the merit system by upholding and supporting the State Civil Service Commission in its disapproval of ill-advised applications made by officials of the

State government for unwarranted suspension of the rules requiring competitive examinations. The State Commission has had before it many applications for exemption of positions in the State service and in the services of various cities of the State. We commend the Commission for its disapproval of most of them and particularly for its disapproval of a number of improper requests for exemptions in the service of the City of New York."

The 1927 Report says: "The State Civil Service Commission . . . in all of its work has the cordial and thorough support and coöperation of Governor Smith."

To a letter of Judge Ordway, president of the Civil Service Reform Association, sent to both candidates during the 1926 campaign, the Governor replied: "As to your first question, my record as Governor is the best answer I can make, and as long as I remain Governor I shall adhere to the merit principle in the Civil Service of New York State."

In 1922 when he ran against Miller, the Governor, in reply to Judge Ordway, said: "I stand today as I did through my administration as Governor for the extension of the merit system in the Civil Service of our State, and I am opposed to exemptions by legislative enactment. During my incumbency as Governor, I suggested and signed the so-called 'inverse order bill' which, I believe, had a good deal to do with preventing removals for purely political reasons. . . .

"If elected I will certainly continue any policy that

will have for its ultimate purpose the extension of the merit system."

It should long ago have become clear that the basic reason for Smith's independence is his determination to have the job well done. A secondary reason is that he understands politics better than the minor politicians and has become their natural leader. They will never realize as he does just what the powers of an organization are on Election Day, and what are the limits of its powers. In a close election the machine may affect the result, and most of the time it determines the nominations. As a rule, the election itself depends upon a candidate's actual strength with the voters, the vast majority of whom are not interested in the routine of party organization. The slight interest they take in constructive policies is shown by what is the fact, at least in the east, that they have not used the direct primaries to weaken boss control. Smith knows that elections depend not upon patronage, but upon policies. His unprecedented majorities have come about through his policies, his constructive programs, and his ability to present programs to the general public. Smith himself once pointed out to the authors of this book that Grover Cleveland became a national figure because the idea got around the country that he was independent of everybody.

In the general impression made by Smith as Governor belongs the fundamental liberalism associated with his veto of the notorious Lusk bills. At the opening of the

session in the second year of his first term, the Republican Legislature undertook to throw out of their seats five Socialist Assemblymen who had been elected from New York City. They were thrown out first, and tried afterward, on charges of being hostile to our form of government, advocating principles adverse to our institutions, and designed to overthrow them by force. The Bar Association of New York City protested. Governor Smith felt that although it was primarily the business of the Legislature it was necessary for him to interfere. He gave out a statement which contained the following language: "Although I am unalterably opposed to the fundamental principles of the Socialist party, it is inconceivable that a majority party duly constituted and legally organized, should be deprived of its right to expression so long as it has honestly, by lawful methods of education and propaganda, succeeded in securing representation, unless the chosen representatives are unfit as individuals.

"It is true that the Assembly has arbitrary power to determine the qualifications of its membership; but where arbitrary power exists it should be exercised with care and discretion because from it there is no appeal. . . .

"Our faith in American democracy is confirmed not only by its results, but by its methods and organs of free expression. They are the safeguards against revolution. To discard the methods of representative government leads to the misdeed of the very extremists we denounce

—and serves to increase the number of the enemies of orderly free government."

Former Governor Hughes was one of those who took a leading part against this expression of war hysteria, as did many civic organizations and organs of liberal opinion. The trial went on for months. It resulted finally in condemning the five Assemblymen. There was appointed a joint legislative committee under the chairmanship of Senator Lusk to investigate revolutionary radicalism. It used detectives and worked feverishly to unearth conspiracies of revolutionary character. The result was grotesque. Nevertheless, the Lusk reports are the quarry from which every society organized to limit freedom of opinion obtains its raw material. The only result accomplished was to get together a list of names, from Jane Addams down, representing every shade of liberalism, pacifism, moderate radicalism, and what small element of genuine radicalism could be found. The Committee recommended legislation to silence free speech; to test the loyalty of school teachers; to require registration of private schools; and to regulate school courses so as to prevent the young from being turned into reds or pinks. Three such bills were passed. The Governor vetoed them. In his veto of the bill dealing with prosecution for criminal anarchy and providing special facilities for its detection he said: "The traditional abhorrence of a free people of all kinds of spies and secret police is valid and justified and calls for the disapproval of this measure."

In vetoing the bill regarding the loyalty test for teachers he said: "Opposition to any presently established institution, no matter how intelligent, conscientious or disinterested this opposition might be, would be sufficient to disqualify the teacher. Every teacher would be at the mercy of his colleagues, his pupils, and their parents, and any work or act of the teacher might be held by the Commissioner to indicate an attitude hostile to some of the institutions of the United States or of the State.

"The bill unjustly discriminates against teachers as a class. It deprives teachers of their right to freedom of thought, it limits the teaching staff of the public schools to those only who lack the courage or the mind to exercise their legal right to just criticism of existing institutions. The bill confers upon the Commissioner of Education a power of interference with freedom of opinion which strikes at the foundations of democratic education."

In his veto of the bill supervising the schools and school courses to prevent undesirable doctrines, he used these words: "The clash of conflicting opinions, from which progress arises more than from any other source, would be abolished by law; tolerance and intellectual freedom destroyed and an intellectual autocracy imposed upon the people. The destruction of the German Empire, through the blind inability of its people to understand the spirit of free institutions, is a striking example of the ruin that may ensue from forcing into a narrow governmental mold the processes of education. The proponents

of these bills urge that they are essential to the protection of the community against radical opinion. I might rest upon the saying of Benjamin Franklin that 'They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.' But I go further—the safety of this government and its institutions rests upon the reasoned and devoted loyalty of its people. It does not need for its defense a system of intellectual tyranny which, in the endeavor to choke error by force, must of necessity crush truth as well."

While he was preparing his statement to accompany these vetoes he received, according to his custom, a written suggestion from a friend. This suggestion contained quotations from various writers on democracy, ranging from Jefferson to de Tocqueville. Smith asked somebody near him who de Tocqueville was, and learned that he was one of the earliest foreign commentators on American institutions. He sent an oral message back to his friend in New York City saying: "I know who Thomas Jefferson is, and I may be supposed to know who Benjamin Franklin is; but if I quote de Tocqueville, everybody will say Al Smith never wrote that. He never heard of de Tocqueville."

Nor did he stop with the veto of the bills. On September 16, 1920, he issued a proclamation calling for special elections in the five Assembly districts, that would otherwise be left unrepresented at the extraordinary session of the Legislature which he had called for housing

relief. "I am unable," he said, "to bring myself to the undemocratic way of thinking that five large Assembly districts, containing a population of approximately two hundred and fifty thousand people in the counties wherein the unrepresented Assembly districts lie, and vitally affected by the housing conditions, should be without representation in the Assembly."

Still another blow at the war spirit was shown when in 1922 he pardoned Jim Larkin, convicted during the war under the criminal anarchy statute of the State. Larkin's revolutionary radicalism was abhorrent to him. Toward his opinions, which tended to weaken the power of our government in its war against her enemy, he shared the verdict of the courts and juries. But the war had been over for three years, and he recognized that Larkin was a political prisoner. Later, for the same reasons, he pardoned the remaining political prisoners held by the State.

During the 1922 campaign, before he had announced his intention about Larkin, who happened to be a Sinn Feiner, the Governor was called upon by a group of members of that organization. One of them, a woman with excited, piercing black eyes, obviously a fanatic, said to him, "Governor, we came to ask you to do justice to Jim Larkin."

The Governor understands the Irish temperament. He broke in with stern emphasis. "Hold on there. You did

not come for justice. Larkin got that in the court. You came for mercy."

Somewhat taken aback, the woman said, "Well, mercy, if you take it that way. Will you promise to pardon him if you are elected?"

The Governor replied, "This is not a fair request to make to a man running for office. The constitution expressly forbids my making a promise to any one. I have never in my whole life made a promise before election. I do not act that way."

The group looked crestfallen. The Governor felt their disappointment and added, "I'll promise you this. I promise you that if I am elected I will give the Larkin case the most careful consideration I am capable of."

They shook hands with the Governor and went away encouraged.

It was on June 8, 1925, that the Supreme Court of the United States decided the guilt of Benjamin Gitlow. Justice Holmes gave the dissenting opinion which was concurred in by Justice Brandeis. Justice Holmes held that the right of free speech should not be checked unless the words used create a clear and pressing danger. Smith's pardon of Gitlow was shortly after the Supreme Court had confirmed the conviction and sentence. The Jim Larkin case was in substance the same.

It was during the first term of the Governor that Woodrow Wilson in February, 1919, in a written note, only recently made public, said: "I hope and believe that

you will not be disappointed in Governor Smith. He is a man who has stood quite apart in a great many ways, and I believe he feels in an unusual degree the impulses and compulsions of the changed order of the nation's and the world's affairs."

If the Governor is to be measured in the main by his policies, his ability to see them through, and his talent for educating the people of the State, we are not to overlook his gifts as the sheer executive. These gifts are impressed on anybody who sees him at work. He is singularly accessible, but that does not mean waste of time. His telephone conversations are likely to be cut off sharply. They may consist of "Yes. No. How are you? See you later." Sometimes he will be impatiently pacing the floor, his keen blue eyes flashing. At another moment he will be leaning back in his chair with these same eyes looking veiled and dull, but even then nothing escapes him. After the tensest moment he is likely to burst into a song, a jingle of the day, accompanying this song with a jig.

These much-talked-of steel-blue eyes do their glinting also in his inside office when he is concentrated upon some document, possibly on the law, possibly on statistics. Here, again, the end of a document is likely to be signaled to those in the outer office by a baritone voice and an old Irish tune like "Kathleen Mavourneen" or "Tim Toolin," or again by some trifle running its brief life at the moment.

His secretary and other assistants never know when the loud baritone shout is to come from the inner office: "George! Bobbie! Jim!" When they run to the chief it may be a law book that is wanted, a report, a letter; but they are attentive, all the time, for they know the grind goes on fast through the long day. He never uses a push button on his desk. Back of his desk is what he calls his own filing system. It is a series of wooden trays in each of which he deposits letters, reports, documents, clippings, in accordance with a system of his own and to which he alone knows the key. On his desk is a special folder which contains those letters or memoranda to which he wishes to give longer consideration, or on which he wishes to consult some adviser.

In that inner office there is system. There is efficiency. But there is no chill. Friendliness, sociability, spontaneity, and charm are not lost in the mill of labor.

It is probable that no other governor has personally answered so many letters. These, of course, add seriously to the volume of work, and there is no eight-hour day for him, although he is careful about his subordinates. The hours he spends at his office are not less than six, the rest of his work being done at home. He takes a light lunch in his inside office, if he eats at all during the day, and about six o'clock he goes home for his dinner. In the Executive Mansion he has many of his important conferences.

For the last three years there has been a new feature

in the lighter background of his existence. His children growing up have taken advantage of that momentous new invention, the moving picture. They have movies in the Executive Mansion and they invite their friends. The Governor's taste for the drama has not changed. He still likes comedy rather than tragedy. Charlie Chaplin is a pet of his. So are Douglas Fairbanks and Harold Lloyd, and even the cross-eyed comedians.

Every evening immediately after dinner he goes out to visit his menagerie. He retains all his old fondness for animals. While the boys were little they had two ponies in Albany which they have long since outgrown. The Governor thought it important that they learn to care for their pets themselves and checked up on them carefully. When still living in Oliver Street, he was happy when he was first able to buy a goat carriage and two goats for the children. A parrot and Cæsar, the Great Dane, made the transition to Albany with him in 1919. The menagerie has contained at various times turkeys, a goat, a tiger cub, an eagle, a fox, and bear cubs. Nowadays the tennis court is turned into well-constructed cages and outdoor runways. He has six dogs, with Thomas Jefferson, his Great Dane, at the head. There are three monkeys—his especial delight—some pheasants, a mother raccoon with five baby raccoons, rabbits, an elk, a doe and a fawn, to say nothing of parrots and half a dozen other birds. He feeds them all personally with sugar, bananas, and fruit and is thoroughly happy whenever he can spend

an hour with his animal friends at home or at the Central Park menagerie in New York. He is always interested in stories about animals.

In these days the relation of an executive to the press is important. The Governor is frank with newspaper men. He tells them much that is not for publication. He feels at home with them and they with him. His humorously elastic temperament, mixed in with his extraordinary control of facts and principles, is something these trained observers like and admire.

Original with him is a series of conferences which he initiated about four years ago. At first they were arranged to discuss and explain some issue he was fighting out with the Legislature, such as income tax reduction, housing, reorganization, the executive budget, appropriations, bond issues, or water power. To such a conference he invites publishers and editors from all of the metropolitan newspapers to lay before them his program and ask for questions, objections, and arguments.

These meetings have now become regular annual affairs, and to the meeting with the metropolitan press he has added another annual dinner, to which are invited publishers and editors from the provincial press. Frank Munsey, owner of the New York *Sun* and New York *Herald*, was an example of what is accomplished by these meetings. Although a staunch Republican, he became one of the most determined supporters of Smith. He believed that few men of equipment go into public life, and he

rejoiced to see a first-class talent and character at the head of his own State. There are many who feel that Munsey's support of Smith's bond-issue plans was one of the strongest elements in putting them through successfully.

The Governor has plenty of dignity, but he is too confident of himself and too naturally at ease to let dignity degenerate into stiffness. He never hesitates to go to see an editor if he believes the editor has made a mistake. In this respect he treats the editor as he treats other forces. William J. Schieffelin, head of the Citizens' Union, and his family were lunching together one day when the butler announced the Governor was in the sitting-room. He believed the Citizens' Union was wrong on a major matter and he had come to talk it over.

At hearings the Governor is often frankly bored. He has a marked distaste for pretense. He practically always knows the case before him down to the bottom, and he feels that the lawyers presenting opposite sides are more often tying themselves up in technicalities than they are seeking for the gist of the matter. He breaks in frequently with questions. Often he sums up. Not infrequently he rises and leaves the room, after telling the speakers what he looks upon as the deciding point and adding, "If you have any more on that, you can send it to me."

Those who come to the Executive Chamber on human errands do well to trust to their own statements, and not

bring lawyers, if what they wish is executive clemency. The Governor has been strikingly ready to meet those innocent victims, the wives, children and parents of prisoners. Many a harrowing experience has he endured from efforts on their account. He is always eager to save them the money they can ill afford to pay. He not infrequently says to the wife or sister: "You can get more for him than any lawyers you may hire. Don't turn into lawyers' fees the money you need for your family."

On one occasion he made a special trip to New York to inspect personally the scene of a gang murder to clear up in his own mind a piece of testimony. "There is only one doubtful point in this case," he said. "It rests on the testimony of the police officer who described the escape of the murderer. On the face of the testimony, I do not believe the fleeing man could have done all the things the policeman said he did, in the limited time he was under observation." At the scene of the murder he went through all the movements described by the policeman including one which involved jumping from a window, and found that the time mentioned by the officer was ample. He returned to Albany that night and on the next day refused the application for clemency.

To visiting delegates he is as pointed in his comments as he is at hearings. In his private office one day was a group of left wing feminist members of the Women's Party who came to protest against special social legislation for women. A favorite word of theirs was equality. Smith

said to them: "It is not a question of equality. I have been fighting for these laws upstairs and down here on the second floor because women have different physical needs. Don't blame me. If you want to blame anybody, blame God. You will never turn me against these protective laws. They have been passed in the interest of public health to protect members of the race. Judges have declared them constitutional. Preserving public health is a good public policy. Read what the doctors and scientists have said on this subject. I have been studying it for more than fifteen years. I believe in equality, but I cannot nurse a baby." There was no lack of courtesy but there was a certain amount of brusqueness, as there is likely to be when Smith is dealing with minds that he feels are aggressive and not marked by profound grasp.

There have been two types of women in his life. Of the women whom he knows in his family relationships, he found the highest types in his mother, his sister, and his wife. He was an anti-suffragist because nothing in his earlier training or early contacts brought him in touch with women who had political or public interests. His first experience in meeting this type was at the time of the Factory Investigating Commission, where he learned to know women like Frances Perkins, Mary Dreier, Lillian Wald, Nelle Swartz, Pauline and Josephine Goldmark and Mrs. Florence Kelley. He learned to respect their social ideals, their judgment, and expert knowledge.

When women did get the vote he was prompt to see

that they had absolutely equal privileges so far as his party affiliations made that possible.

In speaking at a meeting of the Women's University Club, during his first campaign in 1918, to an audience of intellectual women, he immediately told them that he had been opposed to woman suffrage, stated frankly his reasons, and described his conversion. This was a group to which he had been unwilling to speak, and he had said on entering the clubhouse:

"I won't do anything more than just greet them and leave all the talking to Bob Wagner."

But when he saw the audience before him he sensed that it was worth an effort. He talked frankly about the meaning of representative government and ended his speech by saying something he had said more than once before:

"I have had all this experience in the Legislature and in the Constitutional Convention and on the Factory Investigating Commission. I know what is right. If I ever do anything that is wrong, it will not be because I don't know it to be so, and you can write it down as being wilful and deliberate and hold me to account for it. I want to do what is right."

Whenever he was appealed to for help in revising the structure of the State Committee, by requiring an equal number of men and women to be elected from each district, he opposed such compulsion and advocated that the law should be written as it now is, merely increasing the

number and making it possible to elect a woman. He equalized the position of women in the Civil Service for the first time in the State and signed an order removing the Civil Service disabilities of women by making them eligible to take examinations, except where the nature of the duties restricts a position to men.

As his strength has increased with the people, the organization is more likely to assume that he alone can surmount certain obstacles. A notable incident of such need was when Mayor Hylan wished a third term. The organization did not wish to fight with him and it turned over to Smith the job of eliminating him. It is probable that no one else could have done it. There was a strong organization feeling for Walker. He had done decidedly able work as Democratic leader of the State Senate and was extremely popular in the local Democratic clubs. Smith put himself behind him in the primaries, which he won, and the election was a foregone conclusion. Of this accomplishment the New York *Sun* said: "The brightest laurels of yesterday rest on the head of Governor Smith. Without him the defeat of Hylan would have been impossible. If he had been content to take the easy way, the way most of the Tammany officeholders wanted to take, Hylan would have been renominated without a struggle. With the backing of the Democratic organizations, Hylan's reëlection would have been highly probable. The City of New York, already suffering from eight years of Hylanism, would be doomed to four years more of it.

"Governor Smith began his fight against Mayor Hylan last winter when he appointed the intelligent and fearless Judge McAvoy to investigate transit conditions. The McAvoy report, laying the entire blame for the lack of new subways at the door of the Mayor, opened the eyes of the Democrats of the city to the political weakness of Mr. Hylan, for this was the report of a judge born and bred in Tammany Hall.

"When the time came to designate candidates for mayor, Governor Smith was not turned from his opposition to Hylan by the refusal of the bosses of Brooklyn, Queens, and Staten Island to abandon the Mayor. With Judge Olvany of Tammany Hall and Leader Flynn of the Bronx standing bravely with him, the Governor made war, real war. Hylan was not to be beaten with a feather duster. Smith went at him with the clubs of plain language. He told the Democratic voters the truth about the Mayor's failure to serve the city. He laid bare Mr. Hylan's incapacity, his ignorance, his unwillingness to learn.

"No Democrat except Alfred E. Smith could have driven home the facts so tellingly. His sincerity, his gift of homely speech, his power to hold and convince an audience, were qualities which, coupled with the popular trust in him, brought about recognition among Democrats of Mr. Hylan's unfitness to be mayor. The enraged object of this terrific political assault stormed and sneered, denounced Smith as the ally of the Plunderband, de-

scended even to criticism of the Governor's hotel bills, and indulged in the vituperation with which he is gifted, until the storm of yesterday's ballots fell upon him.

"So far as the citizens of New York generally were concerned the issue of the primaries was not so much the choosing of Walker or Waterman as it was the defeat of Hylan. And preventing the nomination of a Hylan who has played politics every hour of the day for nearly eight years, is no mean task. It took a man of Governor Smith's courage to undertake it. It took a man of his energy, determination, and wisdom to carry it through. Smith was the shock troops of the war. As he stands victorious at the finish no man, Democrat or Republican, who loves this city, will begrudge him the honors of the day."

Winning this primary fight against Hylan, Hearst, and a large part of the Tammany organization, increased the Governor's prestige not only in New York but throughout the country as well. It was in commenting on this result that Senator Borah was quoted as saying, "We have a Democratic candidate for president."

In one of his light allusions to Mayor Hylan, the Governor inserted a fundamental part of his philosophy: "The operation of government is a science. It requires men not only who understand problems but who understand men. Nearly every great problem in government is solved after compromise. If a man is to be successful in an executive position, he must have some of the art of diplomacy. He must at least be able to discuss a matter at hand intelli-

gently with other men who disagree with him. It is impossible for him to get anywhere if he mistakes honest disagreement for antagonism. When a group of interested citizens comes before the Chief Executive to make an honest, straightforward request, he must be prepared to sit down and discuss it. He cannot holler at them and say, 'You came up from Wall Street!' "

This little observation sums up a difference in gift and conception that made harmony between Smith and Hylan impossible, quite apart from any complication through the fact that Hearst was the particular backer of Mayor Hylan. To solve intricate problems either by shouting "Wall Street" or by shouting "Socialism" is something too foreign to Smith's nature to leave any common ground between him and the former Mayor.

In 1922, Smith had been reluctant to run. He was in business, making plenty of money, which his large family needed. The pressure on him was intense. Friends of Hearst had worked out a plan by which they believed they could greatly strengthen the chances of victory. They wanted to end the feud between the Governor and the powerful publisher.

This feud had its origin far back in the history of the Fourth Ward. In its earlier stages it had nothing to do primarily with either Smith or Hearst, but was a conflict for local power between Tom Foley and some of Hearst's employees. After Smith's election in 1918, with a certain amount of support from the Hearst papers, Mr. Hearst

felt that he had a right to ask for recognition, to the extent of having either himself or his wife on the State committee to receive the returning soldiers. This desire was the stronger in that Hearst's efforts to keep us out of the war had greatly increased the amount of hostility to him. Smith felt that he could not make the appointment on account of the feeling of many who would have to be on the committee.

There were plenty of other clashes that do not need to be enumerated. Hearst charged in 1919 that New York City had a dangerously bad milk supply and that Smith was responsible, and that he was in league with the "milk barons." Smith is not a person who overlooks charges against him and to this one he was particularly sensitive. In 1919 he challenged Hearst to a joint debate in Carnegie Hall. The publisher did not appear. Smith did appear and made one of his most devastating speeches.

At Syracuse many of the district leaders were favorably impressed with the idea of having Smith and Hearst on the same ticket. Hearst was willing to run either for Governor or Senator, if Smith would take the other place. Smith stayed in his room in the hotel while the Convention was meeting, one person after another calling on him. What Charles F. Murphy felt in his heart no one will ever know, but the Hearst people received the impression that he thought well of their plan. Bourke Cockran, a man always admired by Smith, was one of those who called in his room. Cockran urged him to make peace and increase

the chances of victory. There were many others. Smith was adamant. Perhaps it helped when one evening, as he sat all alone in his room, Tom Foley poked his head in the door and uttered one word, "Stick!" The heart of what Smith replied to several was: "My mother was delirious in her illness in 1919. As she raved, she said: 'My boy did not do it. He was a poor boy. He loves children. He would not feed them poison milk. He did not do it.' You can go back and tell those who sent you that no matter what happens, and no matter how long I live, you will never find my name on the same ticket with that ——." He knew the contest he was getting into. He said to one of his friends before the Carnegie Hall challenge: "This begins the longest and dirtiest fight in which I have ever been engaged."

There is no reason to suppose that Smith's expression of determination on this occasion had any other basis than the one he gave. Whether he thought of it at the time or not, however, he has been able to use the Hearst opposition as successfully as he has always been able to use Republican opposition. It is pretty hard for the Hearst papers or any other power to take away many Democratic votes in the City of New York from Al Smith. On the other hand, part of Smith's business as a strategist has been to win votes from the Republican party in the rural districts of the state. It is possible that as he sat, with dogged determination, in his room at Syracuse, he had a conception of his own method of winning victories, which is a very

different method from any that ordinary politicians understand.

One more incident must suffice to illustrate his way of taking a hand in the decisions of the organization. After he had consented to run for a fourth term, there was started one of those strange stories without which no political campaign is complete. It happens that Smith and ex-Senator Wadsworth are good personal friends. What more natural, therefore, than for the smart ones of politics to say that a deal had been arranged by which a weak candidate was to be nominated against Wadsworth, in return for which favor the Republican machine was to ease up in its efforts to defeat Smith.

Smith saw but one way to give a conclusive finish to this tale, which was making headway in the State, it being the kind of story human beings somehow like to tell. Smith came down to New York and called on Robert F. Wagner. Wagner had no desire to run for the Senate, as it looked too hopeless. Nobody was sure that even Smith himself could win, let alone the rest of the ticket. Indeed in the first half of the campaign, the general opinion was that Smith would lose, and that was the opinion before the nominations were made. Smith put the situation to Wagner as a matter of personal friendship. They had worked together in Albany, one in the Assembly, the other in the Senate. They had worked side by side in the Constitutional Convention. They had been fellow-workers in the task of trying to raise the ideals of the organization.

"Bob," said Smith, "I am in difficulty. The only answer to these stories is to nominate the strongest man we've got, the man for whom the organization will work and about whose sincerity there can be no question. They have made up this lie and they have given it a good start. You have got to help me out. The people know the friendship between us. They will never believe that I would sacrifice you. Therefore you must run."

Wagner did run, and Smith ran so well that Wagner, with his own personal popularity added, also came through.

When the time comes to take the stump Smith, in these years of the governorship, has planned his campaigns even more exactly than in the earlier years. His general policy is to make only one speech a day and to prepare that speech carefully. The more his opponents scatter, the better is he pleased. The district leaders are not so active, the rumor begins. They are going to sacrifice Al, because since he has become great he has high-hatted them. Police and firemen will knife him for not approving of their salary bill. Teachers will knife him because he vetoed one of their salary increase bills. The Irish are against him because he has supported the League of Nations. Roosevelt will get the Jews, Italians, and Negroes, because they loved his father. Mills has made a dent with his record, and so on and so on and so on. Finally headquarters is in something not unlike a panic. The actual opening of the campaign has arrived. Smith turns up at headquarters. The atmosphere

changes in a day. In two days the feeling goes out that victory will be won.

The Mills campaign was an especially good example of the difference between Smith and many of his professional supporters on the principles of strategy. The Mills campaign got started a full week before the Democrats were doing anything. When protests were made to Smith he answered, "I will start in my own good time." In his opinion Mills was starting too soon. The Governor said, "His campaign will blow up before he gets through."

Smith allows no obscurities when he selects the issues. He looks over the publicity being turned out by the organization and by his group of supporting independent citizens. He insists on the most complicated issues being presented simply and the conclusions clearly drawn. For example, Governor Miller was pressing his position on transit, marshaling his facts and figures like a corporation lawyer. Smith knew that in a few days such a complex fight can only be handled at its essential point. He concentrated on the right of the city to have its own way in a contract to which it is a party, and in which millions of dollars in money are involved. He hammered this one point throughout the campaign. He observed of Miller: "That bird will never involve me in this campaign of confusing figures if I can prevent it. He must be compelled to stick to the nub of the issue."

In the Roosevelt campaign the advisers of the young Colonel endeavored to foresee and avoid Smith's danger-

ous counter-attacks by having their candidate build a few carefully prepared speeches full of patriotism and generalities. They staged Buddy meetings, with the young Colonel Theodore slapping his fellow war heroes on the back, and recognizing them by name. The Governor was generous to his opponent. He was patient. He waited. After a time young Roosevelt broke away from these more careful generalities and attacked Smith in a few details. Toward the end of the campaign the Colonel in his private car tried to be pleasant to some college boys about a football defeat. However, he mentioned the wrong team as having defeated them. The boys looked embarrassed, and the Colonel asked if he had not mentioned the right team, and then turned to those with him in the car and said, "Who told me that?"

The next day the Governor was off on his series of speeches that detailed Roosevelt's list of charges, all of them showing a marked ignorance of the State's business. He brought in like a refrain, "Who told Teddy that?"

Another instance of the danger of being off guard when campaigning against the Governor was given when Roosevelt in the 1924 campaign said, "We put up men who can deliver the goods." Smith observed: "This is the largest mouthful that the Republican candidate has said in the whole course of his campaign." Then he went on: "Let us look over the goods for a moment. Let us see just what goods were delivered and to whom they were delivered."

Then followed Fall and Daugherty and a string of illustrations of predatory politics.

In his campaign against Congressman Mills his opponent had stated that if he were elected he would get along with the Legislature like a cooing dove. Smith replied: "The people of the State of New York want clear-headed, strong-minded, fighting men at the head of the government and not doves. Let the doves roost in the eaves of the Capitol—not in the Executive Chamber. So much for the doves, let us pass them up."

On the stump Smith speaks with his whole personality. He seems to give himself out from his very vital organs. His forefinger points toward the audience in warning or illustration. Vitality goes out from him in a flood. But above all things he tells his hearers the truth. He is one of the few speakers who make thousands of people actually change their minds.

So much for the general impression that has spread through the state; that in two years made Smith complete master of that state; and that every year since has consolidated and increased his mastery. Behind the scenes meantime has been going on some of the hardest thinking that is being done on the political questions of our day. Some of those basic matters we must now proceed to examine.

Chapter VII

MAJOR PURPOSES

THROUGHOUT the Governor's four terms much beneficial legislation has been passed affecting public health, education, protection of the State's wards, improvement in labor conditions and in child welfare. Sufficient reference has been made to his achievements as an administrator.

In the mass of his many recommendations four issues stand out as the backbone of his program. Basic is the reorganization of the State government. The need for improved housing conditions he realized from the moment he took office, and he never stopped fighting for a permanent State housing policy. Adopting and financing a comprehensive State park system was another issue which gave rise to some of the most difficult situations he had to meet, and the conservation of the State natural resources, better known as the water-power fight, was also one of his major purposes.

If you ask a man fully informed—Senator Wagner, for example—what in his opinion is Smith's most notable single accomplishment, among the many to his credit, he is likely to answer, "The reorganization of the government of the State."

For six years, beginning with 1920, the Legislature had

had before it the report of that expert non-partisan body, the Reconstruction Commission. In addressing it on the occasion of its organization, Governor Smith pointed out that if large measures of social reform were to become its program, the Commission would have to find the revenues by savings or new forms of taxation. The State had just lost $22,000,000 of revenue tax on account of the abolition of the excise tax brought about by prohibition. The Reconstruction Commission then appointed a committee on taxation and retrenchment. That committee studied each department of the State government. It was headed by Alfred E. Marling. Among its membership may be mentioned Michael Friedsam, Mortimer L. Schiff, V. Everit Macy, Arthur Williams, Charles L. Sabin, Bernard Baruch, John C. McCall, and Charles P. Steinmetz. Its Chief of Staff was Robert Moses, the present secretary of state. Its report was submitted in 1919.

When the committee formulated its plan to revive the reorganization of the government as suggested in the Constitutional Convention, and to complete the job by proposing a definite scheme of administration for each department as well, doubt was expressed by some committee members as to whether Governor Smith with his party training would stand for it. The proposal was laid before him and he asked a few searching questions indicating that he was ready to go along if the plan was genuine and far-reaching. More than once in the early days of the Reconstruction Committee he had asked the chairman, Mr.

Elkus, and the secretary: "Is this Commission going to do something or is it just going to offer a report? Are you going to have something definite that can be put into effect to benefit the State? Because if you are not the sooner you report and go out of existence the better."

The practicability of the plan received the wholehearted support of the new Governor and he was able to keep his own political organization in line. The effective opposition came from the machine of the other party.

Putting it briefly, the program of the Commission called for three amendments to the constitution:

1. The reduction of the 189 agencies of the State with their overlapping and costly functions to a compact organization restricted in future by the constitution to twenty departments, and a short ballot consisting of the governor, lieutenant governor, the comptroller and the attorney general. This amendment is known as the consolidation amendment.

2. An executive budget system.

3. The lengthening of the present two-year term of the governor to four years.

The aim of the program was to simplify the structure of the State government and to give the governor the needed initiative and authority so that if he fails he has no alibi.

The Commission advocated many statutory consolidations of the departments and bureaus which by eliminating duplication and waste would immediately effect savings.

They would, in addition, pave a way for the reorganizations to be brought about by the constitutional amendments, which required the successive approval of two legislatures with a different Senate before they could be submitted to the people.

This large, complicated, and fundamental piece of work was not accomplished by any one man or either party. Nobody did more in thinking out the original outlines than Senator Root. Nobody coöperated more generously and usefully than Mr. Hughes. These statesmen of the opposite party, however, would be the first to admit that when it came to explaining and recommending the plan to the people of the state, so that they voted for the necessary amendments, Smith took the first place; and still more unmistakably when it came to putting the general principles into practical effect in Albany.

Mr. Root's part in the story was pleasantly referred to by Smith at the end of a speech at the Economic Club in New York on May 18, 1925, when he quoted from Mr. Root's address to the Constitutional Convention of 1915:

"Mr. Chairman, there is a plain old house in the hills of Oneida overlooking the valley of the Mohawk where truth and honor dwelt in my youth. When I go back, as I am about to go, to spend my declining years, I mean to go with the feeling that I can say that I have not failed to speak and to act in accordance with the lessons that I learned there from the God of my fathers. God grant that this opportunity for service to our country and our

State may not be neglected by any of the men for whom I feel so deep a friendship in this convention."

The Governor went on:

"I was sitting in the middle aisle of the Assembly on the day that speech was made, and I can imagine that I see the Senator tonight making an appeal to his own friends in the Constitutional Convention, using the language that it was his fervent hope to God that it rested inside of their hearts to do something for their country and for the State. And what was he talking about? What did he ask them to do? What was it that excited him to so strong a personal appeal to his friends? It was the passage of the reorganization plan for the State government by constitution, substantially as it is going to be submitted to the people of the State this fall."

Business and civic organizations of the State studied the findings of the Reconstruction Commission. The earliest of such studies was made by the City Club of New York, which appointed a Committee on Reconstruction with ex-Governor Charles E. Hughes, later secretary of state, as its chairman, and Congressman Ogden Mills as its vice-chairman, the same Mills who ran against Smith for the governorship in 1926. The committee consisted of some of the ablest lawyers of the city and of experts on government. After weeks of study it published its report favoring the recommendations.

On December 8, 1919, a meeting of the City Club of New York was held, at which Smith spoke. Mr. Hughes

also spoke from practical experience as a State executive and advocated the changes recommended. In his speech Governor Smith said:

"It was apparent to everybody as soon as we adopted the principle of taxing incomes that, unless there was some check on the other end of the string, the temptation would be very strong upon the Legislature year after year to move that tax up a quarter, a half or a whole point; and it was with this thought in mind that the Reconstruction Commission began the study of a reorganization of the State government, not so much for the cure of the evils which exist today but to prevent a recurrence of them. . . .

"From the standpoint of economy there is no doubt in the minds of reasonable men that the waste in this State is due entirely to the duplication of effort on the part of the different departments. Inspectors of all kinds are constantly traveling through the state. The State of New York is the greatest patron the New York Central Railroad has. We probably pay out more money for traveling expenses than the combined outlay of any five business concerns in the State. . . .

"After we have reconstructed the State government, as I hope we are going to do, we ought to have a little committee to look over the laws of the State and find out if there isn't some way to have the Governor working at things which mean something to the people of the State. . . .

"Every time the State makes a lease—the Public Service Commission hired a gas-testing station over in Queens at a rent of $55 a year—I have to sign four copies of that lease before it means anything. The Governor has to pass upon the contract for removing the ashes from the power house, and when the contractor who had it found himself thrown into war-time prices, and unable to go on with it, he came over to the Executive Chamber and the only man he could sit down with to talk about the cost of moving those ashes was the Governor. So we want a committee, after we have got this reconstruction job out of the way, to just go through the statutes and see if the Attorney-General or the Secretary of State cannot sign some of the leases and contracts to move the ashes, and leave the Governor to direct his attention to the great, big problems, the big things that the State is interested in, like the health department and the care of the insane and the mentally deficient, great questions of conservation, water power development, or any number of such questions which nobody is studying because no living man can do it and attend to routine work at the same time.

"Now I think I have briefly summed up the situation. This is the best place I can find to make a strong appeal for non-partisanship in dealing with this report. I believe that I enjoy some little reputation for keeping my word. I will give it—I will give it to the Legislature—that if they will come in with me, take this report, do the best that they can with it, I am not going to be like the fellow

who insists on getting his bill the way it is printed—because usually that fellow doesn't want the bill. If they won't take it all, I will go along with them as far as they will go, and I will promise them now that at no time in the future will it ever be referred to by me, or by anybody over whom I have any control, as any program of mine. The fact of the matter is: It is not my program. The real truth about it is I could not think that all out myself."

In the same speech the Governor answered a criticism that such reorganization and centralized responsibility as he favored would in fact make the governor a tsar. He pointed out that the president of the United States is not a tsar although he names his whole cabinet. The mayor of New York City also appoints his whole cabinet.

On another occasion when he and Lieutenant-Governor Lowman were both addressing the Women's City Club, and the papers had just been giving some space to such charges, Lowman derisively referred to the reorganization program as Governor Smith's attempt to make himself a king. The Governor rose to speak, and smiling broadly, invited the women who formed the audience to "meet the King, the King of Oliver Street."

All amendments to the constitution having to pass two Legislatures with a new Senate, before submission to the people, the amendments were first submitted to the Legislature in 1920. The consolidation amendment passed both houses but the executive budget and the four-year

term were defeated. The reorganization of the government was an obvious necessity if a social and business program was to be drawn up. But in the interim between Smith's first and second terms the amendment was defeated for second passage by the hostility of Governor Miller and Speaker Machold. During his second term Smith started the passage of the amendment to consolidate the State government on its way again, and it passed again for the first time.

In this term he appointed a commission to investigate the defects in the law and the administration of the law. It was in this term also that he took the lead in securing the authorization of the bond issue of $50,000,000 for the construction of State institutions, and other large appropriations to decrease fire hazards in State institutions. The Commission on Housing and Regional Planning was appointed in that term, and the large work on State parks had its serious beginning. Another reorganization arranged for was that of prisons. Water power development plans were also proposed at that time.

It was not until 1925, the first year of his third term, that the consolidation amendment passed finally for submission to the people.

Throughout these years the Governor took his program to the people. He would select strategic times and audiences throughout the state. The Rochester, Buffalo and Syracuse Chambers of Commerce came to know his views, and the various non-partisan civic organizations of New

York, the State Federation of Women's Clubs, the League of Women Voters, were his chosen audiences. He lost no opportunity to challenge the opposition to debate the issue of reorganization with him.

By the end of the session of 1926 it can be said that the reorganization program which had begun in 1920 was in the main an accomplished fact. The short ballot, looked upon by the Governor as the most important single step in the whole modernization of the government, went in the constitution by the referendum of 1925, and on October 24, 1925, the Governor said of the short ballot:

"That amendment is the most important of the four, in my opinion. You may defeat the two bonding amendments and the State can go on, but if this short ballot amendment is beaten do not look for anything constructive in the government of this State during your life-time or mine.

"Why should we go on electing a state treasurer who never has a cent and is a clerk, and a secretary of state who is little more than a clerk? Why should you strain your conscience every election day trying to pick out a good state engineer? Is there any difference between a Democratic and a Republican engineer? Why do we have to have new commissions every few weeks for everything in the world? Patronage, that is the reason."

Referring to this fight for consolidation, the *State Bulletin*, which is published by the New York State Association, pointed out that Governors Tilden, Cleveland,

Roosevelt, Hughes, and Smith fought the battle of the taxpayers, but that the permanent reform of the system can be brought about in no other way than by consolidating the departments to give greater power to the governor and thus put on him clearer responsibility.

As soon as the amendments had passed the Legislature in 1925 the Republican leaders of the Legislature and other foes of the reorganization and bond amendments began a secret fight to defeat them. Their state propaganda bureau published an unfortunate series of attacks and as four amendments were to be submitted—two bond issues, one consolidation and short-ballot amendment and one to reorganize the judiciary—the bureau advised Republican voters that the best slogan for the fall election was, "Beat all the amendments." That was enough for Smith. It was the great lever he needed with which to force the issue. Much of the opposition was the aftermath and bitter resentment caused by the victories of the Governor over the Legislature in the session of 1925. He confronted the Republican leaders with the editorials and statements put out under their own bureau heading and charged them with bad faith. He went to men like Root and Stimson and his other friends of the Constitutional Convention who had advocated these reforms and showed them what their own party was trying to do. He spoke openly of the documents he had, proving the intent to knife the reform. He forced Republican support as an evidence of good faith on their part.

When it became apparent that the amendment would pass, Smith planned to appoint a non-partisan commission to draft the necessary enabling legislation to make the constitutional amendment effective. An attempt was even made to have the Legislature create such a commission. But during the 1925 session of the Legislature, the Republican legislative leaders still secretly hoped to defeat the amendment at the polls or, failing that, to render it ineffective in operation by going through the forms of a reorganization without the substance. This had happened when the Massachusetts government was reorganized and the friends of consolidation in New York wanted to prevent any such failure. The Legislature refused to consider such a commission but the Republican intellectual leaders who were honest in their support not unnaturally wished to have a part in the reorganization of the State government, and for less worthy reasons the machine politicians of the party also wished to share with Smith any credit that was to be distributed. The Governor delayed carrying out his intention and the two Republican legislative leaders jumped into the breach. McGinnies, the speaker of the Assembly, and Knight, the Senate leader, announced the appointment of an unofficial committee to submit a report on enabling legislation to make the amendment work.

Governor Smith suggested that he ought to be permitted to name at least a few of the members of this committee. This was agreed to but the Governor was warned

by McGinnies that it might be difficult to put over anything so unpalatable with "the boys." The Governor submitted a list which included some of the ardent friends and workers for this amendment who had been consciously omitted. The Speaker accepted all but four of the names suggested, and of course rejected the three men and one woman most actively identified with the whole movement as "unacceptable." They then let it be known that they planned to name as chairman of the committee H. Edmund Machold, former speaker of the Assembly, who from the beginning had been a consistent foe of reorganization and consolidation. In 1921 he had taken the leading part in preventing the Assembly from submitting the measures to the people after the Republican Senate had acted favorably. Never had he spoken a word in favor of the principle at stake. Since his retirement from the Assembly he had become president of one of the big water power companies of the state.

This audacious move was made just before the adoption at the polls of the constitutional amendment and could only have been intended as a last desperate attempt to defeat the effectiveness of the amendment by framing legislation that would keep the form and kill the substance.

While rumors of Machold's selection as chairman were going about, the Governor himself quietly made a characteristic move. He paid a visit to Mr. Hughes at his summer home at Lake George. He knew that Hughes was

interested in reorganization and Hughes knew that Smith was. Smith asked Hughes to take the chairmanship of the unofficial committee for which the machine men had been grooming Machold. Smith made no statement about his visit. It was not he who openly suggested Hughes. When the Republicans themselves announced his name the Governor merely acquiesced in the choice.

The autumn of 1925 witnessed a campaign of popular education, the like of which had never been seen before. Never before had the people of New York discussed their own affairs at such length and with such exact understanding. This State-wide discussion of the complicated business of running a great State was led by the Governor.

As soon as the amendment was adopted the committee settled down to hard work. It was a good committee, with outstanding men from both parties. Among the Democrats were John W. Davis, their candidate for the presidency in 1924, William Church Osborne, who had run against Smith in the primaries of 1918, and James A. Foley, who had stood with Smith and Wagner as a leader of the New York Democratic organization toward better things. Among the Republicans were Henry L. Stimson, former Governor Whitman, former Attorney-General George W. Wickersham, and Martin W. Saxe.

The important post of secretary of the committee was held by Walter Arndt of the Citizens' Union. Mr. Hughes was undoubtedly the dominating figure. For their report the members did not have sufficient time or long

enough experience and it had some defects, but the consensus of opinion of the best-known Republicans and Democrats was that the committee did a good job.

Smith differed with the proposed reorganization of the Public Service Department. The report retained the Transit Commission, which has regulatory power over New York City transit, as a separate agency, whereas the Governor desired to have it abolished and New York City to enjoy complete Home Rule in this function. However, the Governor accepted the findings, retaining the functions and membership of the Transit Commission merged with the Public Service Commission, stating that he would sign any bills drawn up by the Hughes committee.

When Mr. Hughes was Governor he did not have an easy time with the politicians. They did not love him in 1925, any more than when he was Governor, but they were in an embarrassing position, as they scarcely had the insolence to turn down the report of a commission with as large Republican prestige as this one. Some of the bills that were introduced in consequence of the report and swallowed by the Legislature of 1926 were as harsh and unpalatable as possible; for example, the abolition of the Water Power Commission. It was politically clear that it would not do to mutilate the report in any way unless the consent of Hughes to proposed changes could be obtained. Mr. Hughes did not budge. He took the position that the work was done and could not be undone. The Governor stood with him. So the leader of the Democratic party and

ON THE STOOP AT 25 OLIVER STREET. MRS. SMITH, ALFRED E., JR., EMILY, CATHERINE, ARTHUR, AND WALTER

Courtesy of Keystone View Co., Inc.

GOVERNOR SMITH AND HIS SONS

THE GOVERNOR AND HIS TWO YOUNGER SONS, ARTHUR AND WALTER, VIEW A GRADE CROSSING AT SYRACUSE

the most distinguished members of the Republican party acted together in an emergency in opposition to the smallness of machine thought. More than that, the Hughes committee made a strong report urging the adoption of the Executive Budget by constitutional amendment—a bitter pill for its opponents to swallow.

Naturally the water-power interests were intensely concerned over the work done by the committee in relation to the Conservation Department. They preferred to keep the then existing Water Power Commission, composed of the State engineer, the attorney-general, the conservation commissioner, the speaker of the Assembly, and the majority leader of the Senate, instead of merging it into the Conservation Department and giving the Governor power of approval over all future leases as the Hughes Committee proposed. But the adoption of the short ballot amendment had abolished the office of state engineer and they had to accept the new order of things.

Smith's acceptance of the Hughes report not only followed his general belief in non-partisanship and showed his sincerity, but there was a special reason that would have made any other course of conduct unsound. It followed in its general line the recommendations of the Reconstruction Commission. There was only one point on which the Hughes Committee could seriously be criticized by a non-partisan student, although it was criticized in various ways by thick and thin partisans of the Governor. There can be no legitimate excuse put forward for its failure to take

the State elections as far as possible out of national campaigns and thereby lead the people to vote on State issues. It did accept the four-year term for Governor but it refused to recommend that the Governor be elected in years when there was no national election. This unsound step was brought about by the fact that the Democrats have a somewhat better chance of electing the Governor if the campaign is not mixed up with national issues, and also if the farmers are not interested enough to go to the polls.

This issue on the reduction of national politics in state campaigns bids fair to be with us for a long time. In the campaign of 1926 the Governor summed it up by saying:

"No second-rate man of either of the great parties should be given an opportunity to steal a ride into the Executive Chamber on the back of the national band wagon."

The Hughes Committee was succeeded by an official legislative commission on reorganization. The two members of this commission appointed by the Governor were Robert Moses and Addison B. Colvin, who had been a member of the Reconstruction Commission and later was chairman of the New York State Association.

As reorganization is being worked out today, it has its clearest and most immediate realization in the meetings of the Governor's cabinet. That is where the actual work is being done. The Governor and the heads of his principal administrative departments come together about once every two weeks and spend the afternoon in a brisk state-

ment of what has happened in every department and what needs to be done to keep the work moving. Nobody rises when he speaks. Interruptions are frequent. First names abound. The Governor presides. Sitting around the long table are the Assistant to the Governor, the Superintendent of Public Works, the Commissioner of Taxation and Finance, the Commissioner of Education, the State Architect, the Secretary of State, the Commissioner of Health, the Director of the State Board of Charities, the Commissioner of Mental Hygiene, the Commissioner of Agriculture and Markets, the President of the Civil Service Commission, the Director of the Executive Budget, and the Assistant Secretary to the Governor.

As the Governor himself put it at the first meeting of the cabinet on February 9, 1927:

"This is probably what might well be termed a meeting of the directors of the big institution, of the big business, of the State of New York. . . .

"As far as it can possibly be done for the balance of my term, I propose to leave to the men that sit around this table every possible detail of their departments, so that the Governor will only have one man to talk to. When he wants to talk about the State hospitals he will have one man to talk to. When he wants to talk about public parks, he will have one man to talk to, and the same way when he wants to talk about agriculture, charities, education."

At the second meeting on February 23, the Governor

spoke of the none too easy question of just where legislative responsibility ends. He said:

"That grand old theory they spoke about years ago when everybody was falling over themselves, giving so much credit to the wisdom of our forefathers when setting up our government in three branches, that is fine talk, but the Legislature for the last ten years anyway—I never heard of it in my early days in the Legislature—but in the last ten years at least, the Legislature has started to try and run the government through the appropriation bill. The Legislature is a law-making body; it isn't an administrative body by any means; never was intended to be. . . ."

On March 9, he gave to his friends an example that presents in simple form the essence of the system of administrative control by the Legislature:

"I had my attention called to a bill amending the Public Buildings Act, in order to bring it into conformity with the new Department of Public Works Act. There was a nice little provision inserted in it that all allotments of space by the Superintendent of Public Works in the Capitol would have to have the approval of the Speaker of the Assembly and the President pro tem. of the Senate, and I sent for both these gentlemen and had them recall the bill, and I said to them, 'You don't want me to subscribe to the theory that if I want to get an extra room for a couple of stenographers, the Superintendent of Public Works cannot give it to me until I send out to Wyo-

ming and Chautauqua Counties to get your consent to it!'

"The whole history of appropriations in this State, going back—and it is no indictment of any particular political party; all political parties have done the same thing—going back over twenty years you will always find that appropriations for progressing public work are low in even-numbered years, and there must be some reason for it, and the reason for it is that in that year both political parties are striving for a record of economy on the theory that the people are going to believe that low appropriation bills mean economy, whereas those that are running the State know that no such thing is true.

"It is no economy to start a prison in 1917 and not complete it until 1929. This is a definite loss to the State. It is not allowed the use of the prison during all these years, but doing that job piecemeal is twice as expensive as letting a single contract for it and pushing it to completion at the earliest possible moment."

At this meeting the Governor appointed a committee of five to do more detailed work than the Cabinet itself can do in following up and speeding up work done under the appropriations made from the bond issue for various public improvements. On that committee he put the Superintendent of Public Works, the State Architect, one of the Tax Commissioners, the head of the Budget Bureau, and the Secretary of State.

It has been stated elsewhere in this book that the Governor accomplished a notable feat of public education

when, apparently with all the chances against him, he induced the people of the state to accept the grade crossing amendment. At this meeting on June 2, Colonel Greene reported that by the end of 1927 there would be ordered and under contract the elimination of two hundred grade crossings as against twelve when he came into office. This estimate omitted the three cities of Syracuse, Buffalo and New York.

The Governor had a good deal of experience to contribute on this subject, as he had on most subjects. Referring to the old system of railroad grade crossings, he said:

"I waited for one freight train to pass me three times. I recognized it as the same train. On the end was a fellow with a blue shirt and he saw Number Two on my car and each time he passed it, he said, 'Hello, Al.' I thought it was another train at first."

A little later while on the point of hurrying things up he said:

"If you are satisfied it is right, you tell him to take his hands off, or he will be whereas'd. Let's get the work started."

The Governor, with unusual exhilaration, even for him, made the following announcement:

"I desire to announce to the Cabinet that at the annual meeting of the American Psychiatric Association in Cincinnati, Ohio, for our hospital designs of our hospital buildings and our psychiatric institute down on Riverside Drive, we swept the board. We got all the prizes. We got the

first, the second, the third, and the fourth prize. There wasn't anybody else in it."

The four medals with their ribbons attached hang on the wall of the Governor's private office opposite his desk.

It must have become clear to the reader before this time that the Governor with all his Jeffersonian qualities is a firm believer in the active use of the State power for the general welfare. Among the causes behind which he has put his strength, the one most energetically attacked as socialistic is housing. It is an extremely difficult subject.

In a life of Governor Smith, intended for the general reader and for the forty-eight States, it is not desirable to go into all the aspects of all the plans that have been drawn up for New York State or even into that selection from the plans which has been put before the Governor, and either approved or disapproved by him. The most important and general conclusion, as bearing on a study of his mind and character, is that he has been heart and soul in favor of a large degree of governmental responsibility for the solution of housing problems; or, to put it in different words, for the task of getting rid of slums and such dwellings as make for ill health and low morality. He has wished to go further in using the power of the State for this purpose than the Legislature has been willing to go.

About half the population of the State live in Greater New York City. It is estimated that two-thirds of all the families in that city live in housing circumstances in which it is not possible to rear children properly and to enjoy

home life. Crime is traced to housing conditions, as surely as are tuberculosis and pneumonia. Over 500,000 families in New York City are living in ill-lighted, unsanitary and unsafe tenements outlawed twenty-five years ago, according to the 1927 report of the New York State Board of Housing.

The legislative struggle reached its height in 1926. The leaders for seven years had been afraid of facing the more permanent aspects of the question. The Governor, on the other hand, although no radical, had made up his mind that a solution would not be reached without State action and he fought hard for some effective way to solve the problem. At the same time he was using his personal influence and persuasiveness to endeavor to stir up public-spirited men of wealth to build houses. As far back as 1920 he met a group of such men at the Metropolitan Club in New York City. Nothing resulted from that meeting or from other similar ones. From experiments now going on, however, notably in Queens, it is evident that patience is needed even when dealing with so pressing an evil. Much as the Governor's heart is stirred up by damage done to humanity by slum conditions, nobody understands more clearly than he that deep public reforms require time.

In the bill which was submitted to the Legislature in 1926, were included all the devices considered best calculated to promote the building of new houses in congested slum areas; condemnation of sites, limited dividend com-

panies, regulation of rents, tax exemption, a permanent State Housing Board, and a State Bank modeled on the Federal Farm Loan Bank and intended to lend money at low rates of interest to State-controlled housing projects.

The State Housing Law as it finally passed the Legislature of 1926 had the following features:

Limitation of dividends on capital invested in housing projects to eliminate speculative profit.

Exemption of the housing corporation, its stock, bonds, and interest thereon from State taxation to reduce annual charges on the project.

Permissive exemption of buildings and improvements from local taxation to further reduce annual charges.

Exercise of the power of condemnation to insure acquisition, at fair prices, of suitable sites for large scale production.

Statutory limitation of rents to insure that the economies so gained shall be conserved for the tenants.

Creation of a State Board of Housing to administer the law.

The Republican leaders were unalterably opposed to what they termed the socialistic State Bank idea of Smith's plan and pursued the tactics of condemning the whole bill. The Governor and others, however, had stirred up so much public feeling that the Republicans in the Legislature wanted to compromise. A conference was arranged and held in the Executive Chamber. The introducers of the bill, representatives of the State Housing Commis-

sion, a committee appointed by a Republican research organization, and some other friends of good housing were present. One of the Republican committee members in a burst of ingenuousness described a dinner of Republican leaders in honor of Senator Wadsworth on the previous evening, at which he said there was much talk about the proposed housing bill. He said he himself had talked with many of them and even with Wadsworth himself. The general instruction of every one, he said, was never "to give in to Smith on the housing bank; it is too socialistic."

"Gentlemen," said the Governor, "there we have it. There is no use in continuing this conference further. This gentleman has just told the truth about it. His committee has come here with orders that the Legislature is not to pass this bill in this form. The boss has spoken. What's the use? I suggest we appoint a small committee and try and see what we can get. But you Republicans will have to take the responsibility if this bill does not achieve the desired result of building houses."

He participated in the resulting conference himself. In the course of it the Republicans laid great stress on making sure that the State Housing Board to be appointed should be bi-partisan. The way in which this deep-lived notion of politicians was brushed aside by the Governor illustrates how much his mere pleasantness sometimes accomplishes. Smith had fully come to look on bi-partisanship as a stupid element in government, and as a direct contradiction of the correct principle, which is non-partisanship in the busi-

ness problems of the State, which vastly predominate over the few properly political problems. When the Republicans raised their point of party representation on the Board, Smith said:

"You do not need such a provision. There is no danger of my appointing a commission made up entirely of Republicans."

This may not sound like an epoch-making joke, but the little pleasantry did the trick. A non-partisan board was appointed.

Although disappointed in not getting his whole program he feels that a permanent foundation has been laid, and that if the work does not progress under the present law, it will be possible to make successful agitation for the State Housing Bank or some other form of State or local credit. So far, in spite of recent efforts in the City of New York, it certainly cannot be claimed that the seventy per cent. who lack proper housing face any immediate prospect of getting it.

There are three general ways of approaching a social evil of this sort. One is the socialistic attitude, which looks upon it as a positive advantage to have work done by governmental bodies instead of by private bodies. One is the complete opposite, which relies on private enterprise for all conceivable activities and would usually rather endure an evil than take public action. The third point of view, which is that of Smith, and which is increasing both in the United States and elsewhere, is that when business organi-

zations and voluntary good will organizations will do a work, it is better to have it so done, but that a serious community disease should not be allowed to continue merely because there is no voluntary cure.

A few years will probably show whether sufficient money can be raised through the good will of our wealthy citizens and through tax exemptions, without use of public credit.

Smith has been much more interested in the question of house building than he has been in the related undertakings that have been carried on as part of the same movement. The legislative committee which was appointed in 1919, called the Lockwood Committee, had for its counsel Samuel Untermyer, a well-known New York attorney. It dealt principally with price fixing and other illegal activities. It also had a strong effect in stirring up the public and making it possible to protect tenants for the time being from rent exploitation caused by the housing shortage, but it did not contribute to the solution of the ultimate problem.

Smith's mood may perhaps best be given in his own words. In the memorandum approving the bill, the Governor said:

"We must make a beginning in the attack on the entrenched system of constructing housing for speculative purposes only and having reached the conclusion as evidenced by this bill, that the State has a responsibility in the matter, earnest coöperation between the State and local

agencies who can aid in practical ways, and those who can and will finance such undertakings, should soon establish results.

"This legislation is not perfect, nor do I believe we have said the last word on the subject, but honest effort on the part of all those connected with its operation will soon demonstrate in what direction further aid is needed.

"In approving this bill I do so with the sincere hope that it may prove the beginning of a lasting movement to wipe out of our State those blots upon civilization, the old, dilapidated, dark, unsanitary, unsafe tenement houses that long since became unfit for human habitation and certainly are no place for future citizens of New York to grow in."

This vision of Smith's of a world without crowded and dirty homes to poison the bodies and characters of the poor is listed by us among his major purposes. It is clear that the first purpose we have put on this list, the creation of a workable tool out of the State government, has been accomplished, and it is equally clear that the housing solution has not been reached. Nevertheless, as a purpose, nothing in the Governor's life is more significant. There are the real people, the people whose reality burns most brightly in his own memory and imagination. They are there with their hopes, their devotions. For the lack of space, air, light, drainage, they see their children waste away, and sometimes turn to crime. Smith asks the rich men of the world's richest city to stop this evil. He has

no desire that the State or the city shall be the instrument for stopping it, but he believes that it must be stopped. What is right should be done; what is necessary must be done. If that be socialism, we might say, make the most of it. Human health and happiness are what is sought. If one method fails, we shall turn to another.

Alongside of the duty of seeing that seventy per cent. of the people have open to them more wholesome and happier home possibilities, lies the duty of seeing that they and their children have as much of a chance at the opportunities of nature as may be.

Thus we pass from the problem of homes to the problem of parks.

Extending the system of State parks and establishing a centralized administrative control were focused in 1919 by the report of the Reconstruction Commission. This report was based in part upon investigations made previously by the Bureau of Municipal Research when it was under the direction of Dr. Frederick A. Cleveland. Long before that study, some students had realized that the parks in New York State were acquired haphazard and administered on wrong principles. The report recommended coördination.

After Governor Smith went out of office at the end of 1920, park agitation was taken up energetically by the New York State Association. When he returned to office at the beginning of 1923, the Association was influential

in showing him that he ought to put all his strength behind the park program.

The original recommendation of the Reconstruction Commission was to create one agency like the Conservation Department under a single head to administer the parks. There came into the situation so much local pride, and indeed local love of park work already in existence, that a compromise was brought about, providing for a park council to be made up of representatives from the various park boards already in existence, which were grouped in regions such as Long Island, Niagara, Central New York, and Allegheny.

Probably the most fertile source of irritation about parks between the Governor and the Legislature was the Long Island park situation.

The Long Island Park Commissioners had found an estate there that had not been in use for twenty years. But when the people owning big estates in the neighborhood found out that it was to be turned into a park, trouble began. They sent a delegation to see the Governor. The Park Commissioners had signed a contract to purchase the land, but these influential rich men caused the contract to be repudiated. The State then seized the land by the right of appropriation. A long litigation followed and when the case came to trial at Riverhead at the far end of Long Island in December, 1926, Governor Smith himself made the four-hour trip down there and took the

stand as a witness, testifying for the Long Island Park Commissioners.

The Park Commission also proposed to build a new parkway along the north shore of the island through the beautiful hill section. The millionaire neighbors protested that whatever parkways were built should run down the middle of the island.

Smith's informal comment on this suggestion was: "The middle of Long Island is about as interesting as Hogan's Alley. I would sooner ride down First Avenue any day than the middle of the island."

He named the men who had come to see him to ask him "to keep the rabble off Long Island," and dared them to deny his report of the conversation just as he named the men in the Legislature who were acting as tools of a special interest.

In the conversation with him, as it drew towards a close, one of the delegates took a light turn and said: "Governor, where can a poor millionaire go and be left alone?"

The Governor replied: "Go up to the Harlem Valley Hospital."

In 1924 a referendum was carried providing $15,000,000 for the purchase of park lands. These funds had to be appropriated to the various park projects by the Legislature. The bill passed in 1925, appropriating the first eight million dollars of the fifteen, provided that all purchases of land for parks were to be approved by the Commissioners to the Land Office, popularly called

the Land Board. The Land Board then consisted of the lieutenant-governor, speaker of the Assembly, the secretary of state, the comptroller, the state treasurer, the attorney general and the state engineer. Lump-sum funds allotted were to be spent only by approval of the legislative finance committees. The real purpose of this provision was to perpetuate administrative control of the parks by the Legislature and to keep a veto power over land purchases, especially as applied to the Long Island Park Commission.

The effect of this bill, if passed, would have been to place in the hands of a group of elected officials who knew nothing at all about parks the control of the whole matter of land purchase, and to open up a field for logrolling. The controversy really centered about the control of appropriations for purchases of park lands and the administration of the parks. Smith and the State Park Council believed that land purchases should be left to the Park Council and not be controlled by the Land Board.

This Board was composed of elected officials whose time was not spent on the duties of land purchases, but who left the actual performance of the work to clerks. Aside from the fact that the Land Board would be legislated out of office by the adoption of the reorganization amendment that same year, Smith argued that a non-partisan group, interested solely in promoting parks and with no political axes to grind, was better suited to direct the

expenditure of the State's money for park lands and park administration than these elected officials busy with other duties, or than the Legislature itself, which he was trying in several ways to keep in its own sphere of lawmaking and out of the field of administrative control.

The Governor vetoed the bill passed at the regular 1925 session of the Legislature, and said:

"I would rather be responsible for delaying this program for a short time and getting the right principles established by an appeal to the people of the state, than to compromise with the principles and accept any such unworkable measure as the Thayer bill. If we do not start right on the park program, we will never get anywhere in the end."

After the legislative session closed, the Governor endeavored to come to an understanding unofficially with the leaders of the Legislature. A conference was held but it was clear that there was no chance of agreement. The Governor went to the people in his usual way and as a result the Chairman of the Park Council was supposed to have obtained a definite promise from William L. Ward, boss of Westchester County, that the Westchester County legislators would stand by the Governor. If they did so stand, he had the necessary majority to pass his bill. The Governor himself talked with the senior Senator from Westchester and on the basis of that talk called a special session of the Legislature for June 22, 1925.

On the evening of that day, before the Assembly and

Senate sitting together, he delivered an address which was carried over the state by the radio. It was a powerful address, but the leaders were not ready to yield. The Westchester legislators could not stand the pressure and wilted, and the Thayer bill came to him again in a form in which he could not sign it, and on the twenty-sixth of June he again vetoed it.

In fighting a battle with the Legislature like this, all of Smith's most notable characteristics were called into play. In the first place there was the unequaled knowledge of detail he acquired on the Ways and Means Committee, as majority and minority leader of the Assembly, coming out in a blaze before the leading minds of the state in the Convention; kept up during the two and a half years he was in office in New York City, and also during the two years he was in business there; and increased naturally during his governorships. He knew the business side. He knew the political psychology and the political tricks. He knew the public and how to make it think. In this particular case he saw the excuse that would be offered. That excuse is familiar to everybody who undertakes to pry any power loose from the professional politicians. So he warned the Legislature that it would do them no good to have one of their members give out a statement to the press tomorrow, that the Governor was riding roughshod over the constitutional officers of the State. He said he would follow that statement up and expose it immediately.

The Land Board, that political survival to which the politicians were clinging as their last hope to keep the parks in politics, was described by him without mercy: "I take page 181 of your appropriation bill this year. According to that bill you allowed $1,250 to a clerk in the office of the secretary of state and you called him the secretary of the Land Board. He receives $3,000 from the State for his services to the secretary of state and an additional $1,250 for his services to the Land Board. Plus that you made him a present of two appraisers at $2,750 and aside from the members of the Land Board that is the entire personnel of the Land Office. . . ."

One of these two men owned a paint shop in Buffalo and had recently been appointed. Of the pretense that such a board could do the work it was supposed to do, the Governor said:

"There is humor enough in the world and there are places to go when you want to be amused, but this is too serious a business to suggest that the paint-shop keeper and his friend from Orleans County are going to pass upon all the purchases of parks and park lands."

The Park Council, on the other hand, was made up of a dozen leading citizens of the State especially familiar for years with park needs, and with no political motives. Facing the idea of having the two minor politicians control such a board, Smith asked the Legislature to look upon themselves as the board of directors of a mighty business, and then he said:

"You know any chairman of any directorate in this State who would make that kind of a report to the directors, you know what ought to happen to him the minute he would make that kind of a report—right out the window, right out into Washington Avenue with him and in less time than it takes to tell it."

The fact that Smith is essentially, even above his other attributes, a business man, gives him a strong temptation to lose his temper at the spectacle presented by a vast business like that of the State being run in contempt of all business principles. However, he is a passionate believer in democracy and that faith makes him gentle even to its vices. In the free and easy lecture he gave the joint extra session in 1925 he said:

"The only excuse I have to offer for it is that democracy and democratic-republican form of government is so eternally right that God Almighty just keeps us on our feet. That is all. That is why we are having a meeting of the directors to look a little bit into this cost. That is an element always worthy of taking into consideration: what it costs. Here is a little statement. The land purchased in the State forest preserve from December 15, 1917, to June 19, 1925, cost the State of New York $5,751,943, and in order to acquire it we paid out in salaries in that time $397,494.09, and on top of the salaries and expenses, adding it all together, it cost the State of New York $586,500 to buy $5,000,000 worth of property."

In addressing the Legislature the night of the special

session, he took up the Republican leader, Senator Knight, the very center of the political system: "What I am now to say certainly is nothing personal at all, because I have known the Senate leader as long as any man in this room and a little bit longer. He sat over there on that side of the Assembly Chamber when I was sitting in the middle aisle. I have been his friend and he is my friend, but when he speaks as leader he must expect to be checked up on what he says. He attempted to talk about the Taylor property on Long Island. If the Senator knows anything about it, then I am an expert on what ought to happen in Arcade, the Senator's home town, and I never saw the place. He said if we were interested in the masses of the poor people, we would go and get a park near their homes, and so enhance the value of their property. If the Senator can name any place for me within a radius of fifty miles of the City Hall of New York City where you can buy sixteen hundred acres of woodland with thirty-one buildings on it, adapted to park purposes, for $250,000, I will buy them from him tonight on speculation and I will get the money before twelve o'clock.

"What a joke it is! What a joke it is! When you know all the inside facts about these things to listen to a man up on the Canadian border talking to the good people in the country about the power of evil in Tammany Hall. Why, every Democratic senator and every Democratic assemblyman at great personal sacrifice to themselves appeared on Capitol Hill and stood with their shoulders to

the wheel to carry out a broad plan of park development to the interests of all the people in the State and while they were doing that the hidden power for evil was operating in the ranks of the other forces to destroy whatever influence they had. The hidden power for evil—that is so strong an influence on one legislative leader that he said in the Ten Eyck Hotel in the presence of men that carried it to me, 'We will lie in the gutter before we will give in any further to Smith.' That is a nice spirit. There is an indictment of Republican government. There is the exercise of the hidden power for evil. That man could make no argument against the park program. He knew nothing about it; all he knew was that the word came from the hidden power that Smith must not get any more prestige from Albany by making the Republicans do any more than he has already made them do."

In vetoing one of the bills attempting to save the parks from the politicians, the Governor concluded:

"I have considered this subject most carefully with members of the State Council of Parks. I have sponsored their program after assuring myself that they were right and that they understood what they were doing and that they were the right people to be entrusted with this great undertaking. Upon their advice I now again refuse to accept the Thayer bill and I stick to the principle advocated by the Park Council that no obsolete political agency should be placed over the park authorities. I have never been more convinced than I am now after the extraordi-

nary session that this is the right point of view and that by refusing to compromise the principle we shall win the victory in the end."

His prophecy was correct. The victory was won in the Legislature of 1926. The desired legislation was passed. Today the huge undertaking of seeing ahead, taking over land for recreation purposes now, and in the future developing and conducting such parks, is out of politics. Under Smith it is in the hands of the best people that can be found in the state. Under future governors it will perhaps sometimes not be so, but the exact quality of their appointments is a comparatively minor matter. The system has been changed. The machinery of the State is now such that it automatically works for the people, instead of against them.

As we approached the next great fundamental subject on our list, water power, we were in some doubt as to whether it belonged more properly in this chapter or in Chapter Nine. Certainly it is a national issue. It will be more and more a national issue as time goes on.

Of one of Smith's speeches on the subject, the *New York Times* of December 15, 1926, said: "Governor Smith's speech on Monday night is a thing which by itself should be studied by all who wish to know the secret of his astonishing hold on the people. As a mere intellectual performance it bears out the characterization of William Allen White that Governor Smith has the best brain now being applied to public affairs in this country."

Under the Governor's leadership much has been accomplished, but desperate fighting is still ahead. On May 27, 1927, there was a meeting at Watertown, New York. At it men prominent in Republican politics and business met to lay plans for a fight against Smith's conception of the protection of national resources, including water power. This meeting was attended by former Speaker Machold, who has been figuring in our story about reorganization, and by Representative Sweet, also a former speaker of the Assembly. The purpose of those thus gathered together was to see that the water-power resources of the State go to private corporations; that dams are built in the Adirondacks Forest Preserve; and that the timber of the same Preserve is made freely accessible to private interests. It was proposed at the meeting that $100,000 be raised to educate the public. No doubt much more than that sum will be raised. Smith in all probability will be out of the governorship at the end of 1928. The chances as we write of his being able to get his plans through in 1928 are none too good. The Governor's last word to the Legislature of 1927 was a demand that if they will not accept his plan of a power authority, they at least take steps to allow a referendum to go before the people distinguishing between his policy of State ownership and control, and the Republican policy of private leasing of water-power resources.

As usual, the easiest way into this subject is through some of the Governor's popular presentations of it. Speak-

ing in Flushing on October 27, 1926, in the course of his campaign against Congressman Mills for the governorship, he said:

"The Republican party has rendered a real service on the question of the development of our great water-power resources; they are rendering a real service and they must get credit for it, but unfortunately they are not rendering it to the people of the State of New York. They are rendering it to a small group of influential Republican politicians in the upper parts of the State that have a grip upon the water power resources already developed. They are cold-blooded and deliberate about it and they openly say in their platform, 'We favor development of the State power resources by private individuals on long leases —fifty-year leases.' Why, if I could get a lease on anything for fifty years I wouldn't care what it was, I would say, 'That is mine.'

"On the other hand the Democratic party has a definite, concrete proposal to make to the people of the State of New York. The Democratic party proposes the creation of a water power authority to hold in trust for all the people of the State these great power resources and to develop them from the proceeds of the sales of bonds guaranteed by the returns from the power development. Well, the Congressman started out referring to that as Socialism. 'Smith, the Socialist.' That didn't take very well. Funny what you have got to put up with in American public life. Mills talking from one part of the State says

that 'Smith's plan for water power turns the water power over to the interests,' and over here in our own borough the poor old John F. of Bushwick talks about me as the tool of Wall Street, while Mills is calling me a Socialist.

"I put it up pretty hard to Congressman Mills to explain to me, if my theory of State development of water power is socialistic, how he accounts for the movement in Washington, endorsed by three members of the cabinet of President Coolidge, that proposes not only to own the dams and the power houses on the Colorado River, but proposes to pay for them with the income of the taxpayers of the United States. Why, because the Committee on Reclamation said to the Congress of the United States that an undertaking of that kind was on such a broad and comprehensive scale that nobody but the Federal government itself should own and operate it. But in our State we have got an entirely different policy, and a man in New York that suggests that we follow what is approved by the secretary of the treasury, the secretary of commerce, and the secretary of the interior, is branded a Socialist.

"I am fighting for the people of the State of New York. I am fighting to keep the hands of the power barons off the last great water-power resources that remain in the control of the people themselves. What did Governor Hughes have in his mind when he suggested that after the first of next January no grant of water power be effective unless it is first signed by the Governor? Why wasn't that made effective the first of last

July? You just keep your eye on them in Albany, and take my word for it, no matter what happens next Tuesday, there will be an attempt to give away some of this power between now and the first of January, and that is the reason why I am not going very far away from New York after Tuesday."

And the attempt was made. He was right.

Just a month before their official death, the State Water Power Commission, which was about to expire under the reorganization, indicated its intention to lease the State's enormous hydro-electric resources on the St. Lawrence River to a private corporation. They published the proposed lease in the newspapers. The Governor requested that action be withheld until the new Commission should go into office, January 1, 1927. He made this request first in a telegram, then in a letter. In the letter he said:

"The Legislature of 1926 in reorganizing the State government, upon the unanimous recommendation of a commission headed by former Governor Hughes, so reorganized the Water Power Commission as to place it under the control of the Governor and further specifically provided that no lease or permit for the development of water power should be granted without the consent of the Governor."

The New York State Water Power Commission was scheduled to meet on December 8, about a week after this letter was written, and to act on applications for permission to construct a two hundred million dollar hydro-

electric plant on the St. Lawrence River. It was surmised that the award would be made to the Frontier Corporation, which represents joint stocks of the General Electric Company, the Aluminum Company of America, and E. I. du Pont de Nemours & Company. There was also an application from the American Super Power Corporation, controlled by Henry L. Dougherty, and representing a group of about one hundred gas and electric-light and oil companies.

Governor Smith went to the telephone in his Albany office and called up Samuel Untermyer in New York. Untermyer had for many years enjoyed a national reputation for the knowledge and skill with which he could expose the inside of business abuses. He went over the proposed leases with Smith and together they fished out all the jokers. Untermyer was also of use in capturing headlines and stirring up the public.

The papers stated that the project involved not only the $250,000,000 that it was supposed to involve, but $1,000,000,000 of ultimate value.

At the same time that he was protesting against this attempted grab, the Governor was stopping the Water Control Commission, another administrative body about to go out of existence, from granting an application for a river regulating district in the Salmon River. Incidental to river regulation is the development of power. In his letter on this subject he said:

"I believe that it has been established before your com-

mission that the Conservation Act is intended to protect the public welfare, including public health and safety, and is not for power purposes. No requirements of public health and safety have been shown on the Salmon River sufficient to justify the district. I am informed that the power companies will receive 12,000 horsepower, representing an increased earning over their present rights amounting to approximately $250,000 a year, while the State, contributing one-third of the land required under the provisions of the Conservation Law as it now stands, will receive in return only $720 a year.

"The setting up of a river regulating district on the Salmon River is in effect to bring about what was sought to be done by the attempt to amend section 7 of article VIII of the constitution. This amendment the people overwhelmingly defeated in 1923."

So keen was the interest aroused that the two leading companies applying for the St. Lawrence River power withdrew their applications. The Salmon River application made by the Malone Light and Power Company was also quickly withdrawn. These companies are closely interlinked with the power trusts which control the entire power situation on the eastern seaboard; and this is one specific illustration among many of the fact that in trying to work out a solution for the proper control of the new natural resource that lies in falling water, Smith was dealing with a question that is essentially national. The Gov-

ernor pointed out that this application, if granted, would be a mere entering wedge.

The constructive solution that the Governor is now defending did not come to him all in a minute. Naturally, in the many years he has put on the subject, with a mind more given to solution than to aimless agitation, he has passed from the negative task of opposing exploitation to the positive accomplishment of constructing machinery that would protect the State and at the same time make possible the use of private capital. Interest in conservation in this country began under McKinley. It was taken up and further popularized under Roosevelt. In a speech in a campaign in which the son of President Roosevelt was running for Governor, the former President was brought into the situation by Smith as follows:

"It is a rather strange thing that just ten years ago this very month Theodore Roosevelt, the father of the Republican candidate for Governor, speaking in the city of Watertown, had the following to say:

" 'You have here in this section a most valuable asset in your natural water-power force. You have elected too many men in the past who have taken what belongs to the nation. Coal and oil barons cannot compare to power barons. Do not let them get a monopoly on what belongs to this State. There has been a persistent effort to give private corporations control of the water power of the country. There has been an effort to give that control to the

Aluminum Trust. If the Aluminum Trust makes its money fairly, all right. But when it gets money and power by taking the natural resources of the State, it is time for us to object. Do not give up your water power for a promise of quick development. We are poor citizens if we allow the things worth most to get into the hands of the few.'

"President Roosevelt knew exactly what he was talking about, because the Long Sault Development Company was no other than the Pittsburgh Aluminum Company, and the applications now on file before the present Water Power Commission also come, under different names, however, directly from the Pittsburgh Aluminum Company."

When we remember that water power was one of Smith's most intense interests in the Constitutional Convention of 1915, and that his interests at that time were based on previous thought, we realize that no subject, not even the protection of the laboring man, made an earlier impression on his mind.

In 1923 he was active for the defeat of that constitutional amendment which gave the power companies an entering wedge for private development in the Adirondack Preserves. All the time he was struggling more and more for a working solution. Many a time he has said in speeches that it is futile to criticize existing practices without offering better plans yourself. The plan which was taking shape in his mind seemed to him to provide for

efficient operation of the power for a control of the cost of that power at the source; and also to cut out difficulties that arise from rate regulation by commissions. Those commissions do not give full satisfaction. Rate regulation is based on valuation of property. Today the Supreme Court of the United States is divided on the proper basis of valuing the property of public utility companies.

The Governor's device avoids the problem of regulation by commissions and protects the consumer by providing for a contract for the sale of power based on the cost of development at the source.

Probably the most careful presentation of this plan is the one made by the Governor at a dinner given by The Survey Associates on December 13, 1926. The audience was made up of Republicans and Democrats, leading men in big power interests, and advocates of government ownership. Among the electrical magnates there were represented the General Electric Company, the Edison Electric Company, the Frontier Corporation, and the Northeastern Power Company. The Governor expressed his readiness to answer questions but nobody asked him any. The Survey had wished to make a debate of the meeting, but when it approached prominent men with opposing views, it found none eager to meet the Governor.

The fight with the Water Power Commission was just won. It was well understood by the people assembled at the Survey dinner. Smith opened as follows:

"I take the question of water-power development in

the State of New York to be not a political matter at all. I take it to be a business matter of great concern to all the people of the State regardless of how they voted on the second of November. . . .

"In accordance with our treaty with the Dominion of Canada, there is available on the St. Lawrence the development of probably 1,500,000 horsepower. I should like to translate that into terms that would be understood by everybody. The Edison Company's waterside station at the foot of Thirty-sixth Street is lighting the whole theatrical district. It is making possible the glare of upper Broadway. It is supplying the electric current for practically every one south of Fifty-ninth Street. It is able to take the peak load in the Christmas season. And its possible maximum development is only 300,000 horsepower. Now, as 300,000 horsepower is the whole lighting of Manhattan, figure for yourself the possibilities of 1,500,000 or 2,000,000 horsepower on the St. Lawrence and the Niagara Rivers, with perhaps 500,000 more in other rivers; power enough not only for our own needs, but also, I think I can safely say, enough to send over State lines into the New England States. Here we have it today, under State control and under State ownership."

Later in the speech he stated his basic principle in these simple words:

"I suggest that we adopt the fundamental principle that we are going to regard these water powers and these possible water-power developments as the property of the

State that must not be alienated, even by lease, for any period of time."

In the course of clarifying his ideas and casting his imagination into the future, the work he had done when he was a private citizen in New York for two years, as a member by appointment of Governor Miller to the commission to study the best method of handling the port facilities of New York, proved to be of great assistance to him. He referred to it incidentally in the following part of his Survey talk:

"You can sit around the table and talk all the fantastic ideas about government that you like, but if the man on the street isn't with you, it doesn't go. And you will bring him with you and you will bring him into line only when you are able to show him every side of the question, and one side that he wants to know is why he shouldn't own it as well as the man that seeks it privately.

"Some one may say that you can't make a comparison between the Port of New York Authority and a proposed water power authority because the Port of New York is an interstate proposition. Well, then, let's take the Port of Albany; that is entirely within our own State. We have set up there by law an authority that will go into the market and borrow $25,000,000, supplementing an appropriation of a like amount from the Federal government, for deepening the channel between Castleton and Albany. Where is that money coming from? Not from the city of Albany, or the State of New York, or the

Federal government, but from the people that believe that a development of the Port of Albany will yield sufficient money in return to amortize the bonds and pay the interest on them. The same thing applies to the bridges between Staten Island and New Jersey and over the Hudson River. The people of our State and of our country have not been slow to buy on faith bonds for an enterprise of which the financial ability has been demonstrated."

This speech, like most of his notable speeches, relies to an entirely negligible degree on eloquence or appeal to emotions. It is an instance of the degree of simplicity that a real master of his subject can bring out of complicated facts.

"I ask the Legislature to set up a power authority that by its nature will fit into the same picture that Charles Evans Hughes put the port authority into. He said, 'It is not a branch of the government; it is an instrument of it.' I ask for an instrument of government that will study this question and bring into the Legislature a plan. I ask that that plan be engineeringly—if that is a proper word —and financially sound, and that the men who suggest it be able to show us where to get the money to carry it out and be able to show a contract for distribution of the power that will bring sufficient return to the State to amortize the bonds and pay interest on them during their life.

"We are in the power business now. The wheels are

humming in two State-owned power plants where we are generating electrical energy and selling it to the Cohoes Light and Power Company and to the Adirondack Light and Power Company—and we are getting enough money from it to run the plant and give us ten per cent. return on what we paid for the machinery.

"Isn't it a strange thing that nobody raised this question of socialism when Governor Miller suggested the State construction of these power houses? It is one of the funny things about our government. While he was recommending that, he was put in the reactionary class. Then I asked to amplify his ideas, and I was put down as a Socialist.

"What is my definite plan? Let us set up the power authority first by law, and declare by law that we propose to make this a body corporate and politic with the right to issue its own securities against the proven economic value of the power that it proposes to produce. Let it go to work. Let us for the first time have a State agency looking into it instead of a State agency waiting for somebody else to bring the program to them. If, when they arrive before the Legislature in 1928, they say that it is impossible, then let's talk about private development, because then the public mind will be prepared for it. They will know from a competent authority that the State is unable to do it."

A few weeks after this careful statement of his policy, the Governor had a bill introduced in the 1927 Legisla-

ture embodying his ideas. It created a power authority. In that power authority it vested title to the power resources of the State. This group was to report a complete plan for financing, managing, and controlling water power development under its own authority. The three members of the body were to be named by the Governor.

At first, the opposition party met this proposal defiantly. They openly announced that the Governor could forget his plan and there would be no compromise either. In a short time, however, the situation changed. Charles D. Hilles, National Republican Committeeman for New York, went down to Washington. When he returned to New York, the temper of the opposition altered. Compromise was sought. The Republicans introduced a bill creating a commission, merely to look into the general question of whether such authority should be established, or whether the developing and control of water power should be by public or private agencies.

The Governor flat-footedly refused this suggestion. At first he gave thought to the possibility that it might do no harm if he could name the members of the commission. Further thought convinced him that there was no use in giving up a position he had reached after the fullest reflection, in favor of a method in which he was convinced there was no real meaning. This was a somewhat difficult problem for him to decide.

It is only fair to business men of the country to say that some influential ones among the power magnates are

not opposing his struggle to establish a principle that will protect the public adequately without giving up the use of private capital. In the main, however, the lines are drawn for a severe fight between him and the lobbies that represent the power companies of the United States. The power of the St. Lawrence River would not be of national importance if it stood alone. It is essentially a portion of the hydro-electric system that runs all along the northeastern coast and is expected, when developed, to furnish power not only for what is called the East, but also for the South and Middle West.

Moreover, the importance of the thought the Governor has given to this subject does not stop with what lies inside of New York State, even as that power is connected up with the rest of the hydro-electric system of the East. It is a model. According to the victory or defeat of his project, thought will be affected one way or the other in connection with such enterprises as Bowlder Dam, Muscle Shoals, and possible power projects on the Mississippi River.

The Governor has frequently referred to the training he got as a member of the New York Port Authority toward his solution of the water-power problem, and perhaps we should discuss that project more fully than it was set forth a few pages above.

The Port of New York Authority, as an agency of the States of New York and New Jersey, formed by treaty between them, is empowered as a body corporate and

politic to issue its own tax-exempt securities against revenue-producing improvements, such as toll bridges, tunnels, inland terminals, or any other aids to the commercial development of the port district. Smith was one of three commissioners from each State who are in charge of the work. He was impressed by the possibilities of such an organization for the promotion of great public undertakings, often far too costly for taxpayers' budgets. He was quick to see its application to water-power development. One of the influences retarding public control of water-power development was its great cost. This seemed insurmountable until Smith proposed this plan of control by a power authority.

The resemblance between the Port Authority and the water-power solution is not in the nature of the problem, but in the nature of the power granted and the relation between private capital and State power.

In a speech on October 26, 1926, about two bridges which are being built by the Port Authority, the Governor came back to the relation he frequently makes between what the State wishes to undertake and what the national government is willing to undertake. He said:

"There is a project pending in Washington to build a dam over the Colorado River to be known as the Bowlder Dam. When that dam is built it is proposed, by a report of the Committee on Reclamation, to build a power plant and to develop electrical energy and that power plant would be built by the United States Government and

paid for with the money of the taxpayers of the United States. Now, when I spoke about that in Monroe County the other night, Congressman Mills came out the next day and thought he was going to dispose of it by saying, 'Who wants a reclamation project?' Of course this is what the project is. But that is not the answer to the United States Government going into the business of developing electrical energy. The energy is a by-product from the spilling of the water through a canal with sufficient fall to create electrical force turning a turbine. It doesn't make any difference what kind of a project it is. The figures are set forth as to the amount of money that the government proposes to pay for that electrical-power plant—$125,000,000, of which $41,500,000 is to build a dam, $31,000,000 is the cost of the canal for the water to run from, $31,500,000 is the estimated cost of the power. The power plant is machinery and the building in which to install the machinery for generating the electrical energy, and the Committee on Reclamation, in its report to the United States Senate, said: 'This project is of so much importance to the people of the United States that no other agency but the government itself should be entrusted with it'; and it isn't half as big as the St. Lawrence River project, but nevertheless it is of sufficient importance to be cared for by the Government itself."

This is the kind of analogy that he has more than once pointed out in relation to water-power development, and also when he has argued that the power he wishes to have

given to the State Housing Bank is not greater than the national government has given to the Federal Farm Loan Banks for the extension of rural credits.

By the time he became a member of the Port Authority he had been two years in Albany, and the reorganization commission had been another factor in the development of his thought. When he took his position with the United States Trucking Company in New York he could not have looked forward to coming into such close quarters with one of the most difficult questions he was to face. As a business man, he had obvious value. He was an organizer and conciliator and both of these qualities were needed in bringing harmonious work out of the different trucking companies that were brought together in the United States Trucking Company. He was also a business-getter, able to sit at his desk and ring up a friend and cheerfully and easily suggest that there was no reason why the United States Trucking Company should not do part of his work.

When Governor Miller put him on the Port Authority, these qualities were immediately applied to a broad field. The railroads were part of the plan. In a group of this kind, each member tends to do more and more what he can do best. Smith emerged as the person who was best able to deal with separate groups of experts. When he went to a meeting with such men as President Rea of the Pennsylvania Railroad, President Willard of the Baltimore and Ohio, President Underwood of the Erie, and

President Smith of the New York Central, he amazed these men as he had amazed the members of the Constitutional Convention by the minuteness and accuracy and technical quality of his understanding. Usually a politician, however able, will have to confine himself to general principles in dealing with such subjects as railroads. Smith could talk to the railroad men in their own language.

It was the same with the engineers of the Port Authority staff and it was the same with the financiers. Smith's mind readily accepted the need of coöperation between the two States. It seized upon the central idea of an Authority which is a body politic and corporate, an instrumentality of the State to issue bonds to private investors upon the approved economic value of the project for which the bonds are issued. It was a delight to him to take such a general idea and follow it into all its difficulties as it worked out. All the railroad facilities around the Port of New York buzzed with life in his mind. Those switching tracks in New Jersey that required joint use by different railroads instead of a separate use under the previous system, the coördination of freight boats and tugs in the river, all was easy to him and had to be made convincing to the interests concerned. Also, enough such details had to be conveyed to the general public to create the necessary political energy behind the movement to formulate a comprehensive plan for the development of the Port of New York.

In most of this work, in a general way, he was showing the qualities he had shown in the Committee on Ways and Means, in the Convention, and at Albany, but in the method of solving the relations between the public and private interests, from the point of view of finance, he was getting something new to him and something entirely essential to his struggle with the water-power question. The Port Authority, therefore, water power, and State housing must all, more or less, be thought about together. They differ in this, that the water power plan, like the Port Authority plan, calls for no other motive for investors except the desire to have the normal return on a security that is entirely safe. In housing another element comes in, which perhaps might have been removed had Smith won his State Bank and the use of State credit. Housing betterment at present depends too much on good will, and the good will so far has been forthcoming only to a limited extent. As the Governor said at a meeting of the State Housing Board in December, 1926:

"We want the men who can afford to do it, who have the money lying idle, or in some other investment that is paying very little, to be satisfied with five per cent. on a gilt-edged security on the land of Manhattan Island. We want those men to know that when they undertake this, they will not only be getting a gilt-edged security, but will be doing something for the benefit of humanity, for men and women and above all for the children."

MAJOR PURPOSES

The four major topics selected for this chapter are sufficient in themselves to indicate those larger currents of thought that have turned the East Side politician into a statesman. These programs fit each into the other and each supplements the other. Without scrapping the old system of government, and building a new, the work could not be carried on. That new government is practically finished. Without a human place to live, there is no worth in life. At that point a question mark remains. Without a chance to go out and form at least a little friendship with free nature, a heavy wrong rests on the shoulders of the poor. From their shoulders that wrong in New York State has been lifted. New powers which ought to be new blessings are coming into existence. Who shall enjoy them? Who shall control them? To that question the Governor gives answer in what he has thought out for the control of the advantages of water power.

Chapter VIII

IDEALS AND BUSINESS

We now understand Smith's major purposes. They can be put in this way. The government of the State is an instrument for the general welfare. Questions properly political enter only to a minor degree. If the State is to be used as an effective tool for the general welfare it must be remodeled. It must be simplified. Responsibility must be concentrated. A proper division must be made between the responsibility of the Legislature and the responsibility of the executive. Not only must existing obligations, such as the care of the unfortunate in State institutions, be brought up to date, and kept abreast of increasing population, but many new obligations must be undertaken. Education must be improved. Bad housing must be looked in the face and recognized as a menace to health, morals, and happiness. An unrelenting policy of protection and conservation of natural resources must be followed up and applied to the great new asset of water power.

In putting through such major undertakings the greatest tool of all is popular understanding. The public must not be deceived about what things are going to cost. If it knows exactly what is proposed, and believes that the

proposal will be carried out with a view to nothing but efficiency, its judgment will be correct.

The Governor's persistent policy of turning complicated figures into realities capable of reaching the popular mind has been carried out not only in messages, speeches, and debates, but also in regular accountings to the people, published at the beginning of each fiscal year, or some time in July. In these accountings he explains in detail the appropriations made and the reasons for them. At the beginning of the 1923 statement, he said:

"There is nothing less interesting to our people than financial reports because, as prepared by bookkeepers and accountants, they are not understandable to the ordinary man. To comprehend them thoroughly, one must have not only an understanding of the government of the State itself, but must be able to comprehend technical terms used in financial reports. For that reason, I will endeavor to explain appropriations of this year in such a manner as to make them easily understandable to every one."

So rare is the ability to make complicated figures interesting that we never hear the end of references to the fact that Gladstone was able to hold the attention of the House of Commons for hours at a time while he discussed the budget. If it is difficult to hold even the House of Commons on such a subject, it is necessarily much more difficult to seize and hold the attention of the general public. The ordinary method is not to make it as easy as possible for the public to function in these matters, but

to make it difficult even for a skilled lawyer or business man to get at the substance of the questions discussed. Talking about the situation in New York City and the lack of interest shown by the public, the *New York Times* of August 3, 1927, said:

"The present system, instead of encouraging them to take an interest in city finances, is a powerful inducement for them not to do so. The annual budget is an appalling document. In some of its metamorphoses it must weigh not less than ten pounds. Nobody takes the trouble to sit down and analyze it in any intelligible fashion. General Lord, the Federal director, has shown that it can be done. So has Governor Smith. In fact, even back in the days when the Governor was a member of the Assembly at Albany, he was able time and again to refute the doctrine that government finances could not be made interesting. Discussion of the annual appropriation bill used to be the signal for a general exodus from the Assembly Chamber. But not so when 'Al' Smith took the floor. He could keep the members in their seats hours on end with his masterly dissection of that measure."

Of all the elements going to make up an efficient State economy, the one that has required the most talent in exposition has been the executive budget. Its opponents held that, even if the methods of budget making did need improving, it could be accomplished by legislative enactment and there was no necessity for "freezing it into the constitution." Even as able a student of such matters as

Governor Miller took this position. Smith, on the contrary, took the stand that those who supported this point of view, or referred to the budget system introduced in Washington as equivalent to an executive budget, were either insincere or incapable of understanding what was at stake. He went over successfully the ground that had been gone over unsuccessfully by those who were fighting for an executive budget in Washington, beginning in the administration of President Taft. What they got in Washington was a budget which did something to reduce confusion, but nothing to concentrate in the executive department the responsibility that belongs there. He showed, also, how failure to make the State executive budget constitutional had given rise to many changes in budget making, but always fell short of the real objective, to place responsibility for expenditures, for all time, definitely upon the Governor. He frequently illustrated the futility of an executive budget that did not have the weight of constitutional sanction behind it. In fact, the executive budget as practiced in Albany was the butt of many a newspaperman's stunt dinner, and Smith likes to tell of one such dinner which took place at about the time a hotel chef had been arrested in Chicago for poisoning the soup. The diners at the Albany dinner were about to eat their soup when a policeman rushed in crying, "Stop, stop, the soup is poisoned." Another policeman haled a frightened chef before the diners and he was asked to

state at once what he had put into the soup. He answered, "The executive budget."

To the charge that the executive could abuse the power conferred by the proposed method, Smith has always made the essentially democratic answer that you must rely on the ability of the people to govern themselves by electing a few officials worthy of confidence. The public must be counted on to select men for the Legislature who can and will do the work to be expected of a group of citizens coming together every few months, who are not experts, but are interested in general principles. From the executive department should be expected the work that is demanded from a successful big private corporation, and the Legislature should not undertake to interfere in the details of the working of this corporation any more than the board of directors of a big railroad company should occupy itself with mere executive details.

A lucid statement of the principle involved, voted on by the people in the election of 1927, we take from the Governor's annual message of 1925:

"The executive budget does not in the slightest degree decrease the power of the Legislature. It provides only for a more responsible method for the exercise of that power. There is nothing new or revolutionary about a proposal placing upon the Executive himself the duty in the first instance of certifying to the Legislature the amount required for the fixed and definite expenses of

maintenance of the various departments of the government. There is no reason that I can see why there should not be put upon the Executive the further responsibility of explaining his proposals to the Legislature in detail. There is also no reason why the Legislature should make additions to these sums or indulge in new activities until provision has first been made for the absolutely necessary expenses of government. This method follows the policy of the wise and prudent housewife who puts aside the money for rent, light, heat, the butcher, and the baker, before she contracts for a new piano, a victrola, or a radio. It is plain everyday good business, and stands out as such, when compared with the present system, or rather, lack of system, which now characterizes the appropriation of public moneys."

The more important the purpose is, the more likely we are to face the difficulty of how we are to pay for the carrying out of our ideals. Smith has never allowed to any subject a higher place than he has given to education. He has rejoiced publicly and often in the increased appropriations for education, but these increased expenses have to be met. If we are to go ahead, the ideal purpose and the business problem must be kept closely related.

His early work in this field was summed up thus by the Governor in a speech on October 31, 1924:

"The public record discloses that as far back as 1911, as leader of the Assembly, I fought for the equal pay

bill for school teachers. It discloses also that all during my occupancy of the governorship I took the lead in the fight for increased compensation for school teachers. In 1924 I signed the largest appropriations in the history of the State, for public school education. I have backed up the State Department of Education in every proposal that ever came from it for the betterment of the public school system of this State.

"When a condition growing out of the war left the City of New York short of school accommodations for her army of school children, I suggested to the Legislature at a special session in 1920 that the corporate stock of the city for school construction purposes should not come within the meaning of the pay-as-you-go law, in order that New York City might make up for the stoppage of the school-building program during the war, and hasten the time, as far as it was humanly possible, when a seat would be provided for every child in the public school system of this city."

In 1925 he appointed what was known as the Friedsam Commission. This was the result of a conference he called at Albany, of educators, men and women interested in education, and business men, to discuss problems of financing and administering education in large cities, including sources of taxation. On January 1, 1926, his annual message urged coöperation with this commission. He also sent a special message on April 8 of the same year, transmitting the report of the commission and urging the leg-

islation it proposed. The report urged an increase in the amount of school moneys appropriated by the State to the various localities, so as to raise the standards of education. It called for an addition to the State budget of $16,500,000 the first year, and a gradual increase each year until the additions should total $30,000,000. The Legislature rejected this legislation. It passed instead a teachers' salary increase bill that would have called for an increased expenditure of $17,000,000 in New York City for teachers' salaries. They knew that this bill would have to be vetoed because New York City had no funds available to meet the increase since the Friedsam bill failed to pass. The intent was to embarrass Smith with the teachers in a campaign year. Of course the Board of Estimate of New York advised the Governor to veto the bill. On January 21, 1927, Smith again urged the passage of the Friedsam legislation and this time it passed.

In 1925, after many years of struggle, Smith had succeeded in getting an additional appropriation of $9,000,000 in the State budget, for rural schools. In 1923 he said in his annual message:

"I am satisfied that the children in these sections of the State are not getting from the State the same opportunities for education that are accorded to the children in the cities. We owe it to all children alike and we should try to give it.

"It might well be said that the inadequate school facilities now in farming communities present an additional

reason why people leave the farm and move to the cities. Every father and mother instinctively do their best to give their children all that the State affords in education. It is the safeguard of the State and of the Nation. Anybody desiring to have a proper understanding of the necessity for an education need only talk to the man who was denied it."

In 1924 he urged at length a revision of the system of rural schools, and carried it successfully in 1925.

Smith never carried his theory of reorganization of the government to the extreme of being unwilling to leave the administration of the Department of Education to a Board of Regents elected by the Legislature who appoint a Commissioner of Education as executive head. The misrepresentation of his position on this subject, due to a clerical error, and a subsequent misstatement by his opponent, are referred to in Chapter Nine.

After reviewing his general record on education up to October 3, 1924, when the editorial was published, the *New York Times* said:

"New York State is still somewhere near the bottom of the list in the relative amount contributed by the State out of its Treasury for the support of the public schools. As it is, the State has still a duty to discharge to its schools, and Governor Smith, who has given an earnest of what his policy will be by what he has already done, is best able to undertake it."

As we have progressed with the main story, and studied

such high points as the Committee on Ways and Means, the Constitutional Convention, the Port Authority and the reorganization of the State government, we have more than once touched the relation between progress and efficiency. Often this subject has appeared as the simplest kind of opposition between efficiency and non-partisanship on the one hand, and traditional honest graft on the other. Sometimes it has not been so simple. One of the Governor's hard and successful fights was over income tax reduction in 1925. It was inevitable, with the intensity of public feeling at the time, that party politics should enter into this controversy on both sides, especially as the national administration was making its main appeal on tax reduction. The Governor had to go to the people and prove that the State could afford to make a cut in the State income tax. He had been supporting a more equitable distribution of the income tax that lessened the burden on the less well-to-do. The main fight in 1925 was whether the State could afford to repeat the twenty-five per cent. general cut which it had already made in 1924. This controversy had so much politics in it that it perhaps deserves only a minor mention in a book intended to deal with matters well above the exigencies of party politics. The Governor was at least as shrewd as any of his opponents, and he had the advantage over them, as always, of knowing everything about the business of the State.

The whole session of 1925 had been a succession of

stormy struggles over the Governor's program, culminating in the attempt to block tax reduction. There had been protests of willingness to coöperate on both sides. The Governor and the legislative leaders were constantly accusing one another of failure to do so. At the dinner of the political reporters in New York, the Albany correspondents staged a skit that will long be remembered. The scene was the Governor's secretary's office at the Capitol, which is an anteroom to the Governor's private office. The newspapermen were gathered there in a frightened group listening to the fearful sounds that came from the Governor's office. Crashes, fist-fights, explosions, all followed each other in quick succession. One of the reporters awesomely announced that a conference was going on between the Governor and the Republican leaders. Suddenly all grew quiet. The reporters were sure it portended nothing short of the death of the Governor. Suddenly there appeared, in the doorway of the inner room, the Governor himself. In this instance Governor Smith, unknown to any one in advance, except the actors in the skit, played the part himself. He had his coat off and his sleeves rolled up. He strolled down to the center of the stage and nonchalantly turned down his sleeves and put on his coat with the ease and command of the finished actor. The reporters looked on amazed. He smiled broadly and announced, "The Republicans have decided to coöperate." He had not only acted in the play, but had helped with huge enjoyment to rehearse and stage it.

His vetoes have inevitably had the force of knowledge behind them. He is able to catch a joker. He never takes the word of the chairman of a financial committee of the Legislature that an appropriation bill is all right. He never lets "pork" get by him. It is quite impossible, with him as Governor, for local politicians to keep preëlection promises; to use the public treasury for aimless local improvements. Under Colonel Greene, as we have already seen, the highways and the canals, huge sources of sustenance for deserving politicians, have altogether lost that attribute. On his very first encounter as Governor with an appropriation bill, in 1919, he cut out $2,185,343.56. His statements are usually brief, such as, "This item is disapproved because it creates an unnecessary position," or "because the work proposed is unnecessary." He has occasionally caught the Legislature passing the same bill twice in a session in the hope that, if vetoed once, it might be undiscovered a second time. He frequently tells of other governors fooled this way, and especially of items concealed in the general appropriation bill that had been vetoed in some other form.

A complicated and difficult question of fundamental economy is raised by the old question of the Barge Canal, formerly the Erie Canal, and it is not settled. It required some boldness on the part of the Governor to make a proposal in his 1925 message that the value of the Canal to the State be looked into. There was an immediate outbreak of barking that he was trying to help the

railroads, a charge that hardly deserves comment. He has always been an enthusiastic believer in water transit, and is disappointed that business in New York, including notably the farmers' business, does not take all possible advantage of the Canal. Facts are facts, however, and when he put Colonel Greene in his present position he indicated a completely ruthless approach to the transportation problems of the State.

At his request, a commission to study the canal situation was appointed by the Legislature of 1925. It presented a preliminary report in 1926 which did not contain much that was new or constructively helpful.

In his annual message of 1927 he gave the Legislature information about the tonnage, and recommended negotiation with the Federal government for an all-American shipping canal via the Oswego-Hudson River route. He made a similar suggestion when he visited President Coolidge in the summer of 1926 in the Adirondacks. But he had also discussed with the President the problems of a water supply for New York City. The President spent most of the time in silence, but as the Governor was leaving, Mr. Coolidge said: "Governor, if the reporters ask what we talked about, tell them you tried to sell me the Barge Canal, and I asked you, 'Why don't you sell it to New York City for a water supply?'" The resolution for an all-American shipping canal was passed by both parties.

Undoubtedly the reason the Canal is not better patron-

ized by shippers is that railroad service is quicker and in other ways better, even though it costs more. In the prosperous conditions of this country, a shipper is willing to pay for services that come directly to his factory, and what he pays for convenience and speed he can charge up to the consumer or the farmer. The Governor, however, is not satisfied, and the problem of distribution, especially as it affects the farmer, is still working busily in his mind.

He knows that if there were a greater demand for water transportation, private capital would furnish boats enough. He also knows that, even in the past unsatisfactory condition, the Canal has played its part in keeping down railroad rates. As those rates are now controlled by the Interstate Commerce Commission, the function of the Canal has lost some of its importance, but the Governor thinks it likely that with the inevitable increase in industry, and in the amount of shipping through New York, interest in water transportation may grow greater.

If the Governor believes that better use of transportation facilities would help the farmer, he is equally convinced that centralized and efficient management of the Department of Farms and Markets would help the farmer also. He is thoroughly of the opinion that rural politics, in concerning themselves with small local political benefits, have stood in the way of any centralized and efficient work for the agricultural interests of the State.

In a special message in his first term, referring to the

Department of Farms and Markets, he said that it was necessary "that the department initiate movements looking toward stimulation of production and a solution of the question of distribution."

Also in his first term in a speech before the New York State Agricultural Society, he said:

"The $250,000 appropriated by the State to the various county fairs is well spent if it serves no other purpose except a week of recreation for women and children who live in the country, but they could attend the fair and agricultural education could retain its place just the same. There is no reason why the horse race and the performing bear and the frankfurter man should be the whole show. They have their places, but until you have intelligent direction in your county fairs, you are wasting time and money so far as education is concerned, so far as any effort on the part of the State for the promotion of agriculture is concerned. You are wasting money, and I speak from experience. In 1918, the fairs of 1918, I was one of the large side-shows. I was advertised ahead of time and billed ahead of time. 'We have with us today the Tammany candidate for Governor'—a drawing card. It meant something for the gate receipts. I was perfectly willing to offer myself for exhibition, and I, therefore, speak of our county fairs with some knowledge of what takes place there.

"When you take the Department of Agriculture and the Department of Markets out of politics you will find

that the heads of the bureaus will be men with some peculiar qualifications, some peculiar training, either in experience or education, to man these bureaus. Is that the case today? Everybody in this room knows it is not. There is no use fooling ourselves about it. If I was asked what I would do about it, I would say this: 'That if the Legislature is willing, I will stand for a lump sum appropriation made to the Department of Agriculture for its reorganization from top to bottom and allow some men who understand the business to reorganize that big department from top to bottom and let us have some confidence in it.' "

The best statement perhaps on the subject of secondary schools of agriculture was made by the Governor to his cabinet on February 9, 1927:

"The next thing is what is going to be the State's policy with regard to the future of our secondary schools of agriculture? That is a problem that this cabinet has got to take up in man fashion and wrestle with it, because it is loaded to the hilt with political dynamite. It is all politics and it always has been politics. It isn't all one kind of politics. It is both kinds of politics. It is Democratic politics and it is Republican politics.

"How we got these schools, everybody here knows. We send a man here long enough in the Legislature to become chairman of Ways and Means or to become Speaker and he wants a monument to his long service for the State and county and that is where we got the schools.

They were never apportioned around the State in accordance with the State's needs. As a matter of fact, three of them are near together.

"My notion is that these colleges or secondary schools ought to be turned over to our Cornell College of Agriculture and let the Trustees of Cornell University use them, giving to the Trustees the power by law to discontinue any that do not show results, turning the property back to the State of New York."

Efficiency and the right kind of concentration in business are inseparable. A reasonable amount of home rule has been won for the big cities. Smith has steadily fought for the necessary home rule for the smaller places, and for the organization of the counties as units of government. He established the county as the unit for health aid in rural districts and for various other administrative functions exercised by the State. He has suggested an investigation of county government by the same Hughes Committee that made the reorganization report. His purpose here was to place the counties on an efficient basis of government. The Greeks used to think the only sound unit of government was one small enough for all the voters to be within sound of a speaker's voice. The Greeks had no newspapers and no radio. In the Governor's opinion the county is not too small or too large for many valuable functions. His interest in the right size for an effective political unit is characteristic of his fundamental political thinking.

The Governor made a convincing presentation of the idea when, in his message vetoing a series of bills making rules for the taking of fish and game, he pictured the Legislature passing its time deciding the number of fish hooks which should be allowed on a line, and postponing consideration of the important business of the State. It is not much less silly to have it laboring about cleaning off the snow from the sidewalks of the various villages of the State.

The meaning of efficiency and economy must always be read in connection with the duties the community has. The foremost duties were briefly and strikingly summed up by the Governor as follows:

"There are two great functions the State performs for our people. One is the education of our children and the other is the preservation of health."

In the Governor's annual message of January 6, 1926, he is seen urging the county as a unit for local public health work, with a full time qualified county health officer responsible. In his message of January 5, 1927, he again recommends the county health unit.

In his annual message of January 7, 1925, he had urged legislation to strengthen the Medical Practice Act and control quackery. On March 27 of the same year he sent a message to the Senate that recommended the passage of that bill, already passed by the Assembly, approved by the State Department of Education and Health and by more than 10,000 practicing physicians. In his

1926 message he again appealed for legislation to prevent unqualified persons from practicing medicine. The Legislature of 1926 passed the Medical Practice Act approved by all the medical societies of the State of New York. Those societies and the American Medical Association repeatedly commended the Governor's stand in relation to public health.

The Governor's bracketing together of education and health reflects the attitude he has taken toward health work. He has put himself into close and sympathetic cooperation with the physicians of the state and held many conferences with them. In 1925 he called a conference of representative doctors whom he requested to submit to him a health program. The conference with the doctors and the conference with the educators were alike, in that they both formed the basis of fundamental legislation.

An example of the interlocking of considerations of efficiency with ultimate ideals was given in the prisons. They were among the State institutions that had to be brought up to date by bond issues and by reconstruction of the State government. In thinking of such immediate efficiency, however, the Governor has always at the same time been troubled by the existence of a more remote problem. He realizes that the human race is far from having thought out a proper treatment of delinquency. Some of his uses of the pardoning power have been much criticized, but his answers are generally taken to be conclusive. He has never gone as far as Lincoln went in

THE GOVERNOR IN HIS PRIVATE ZOO AT THE EXECUTIVE MANSION AT ALBANY

Courtesy of Paul Thompson

THE GOVERNOR PAYS HIS ANNUAL VISIT TO THE BOY SCOUTS AT THEIR BEAR MOUNTAIN PARK CAMP

ON EVERY WASHINGTON'S BIRTHDAY THE GOVERNOR DINES WITH HIS NEWSBOY FRIENDS AT THE NEWSBOYS' LODGING HOUSE ON PARK ROW, NEW YORK CITY

Courtesy of Keystone View Co., Inc.

ADDRESSING THE "OLD NEIGHBORS' CLUB" IN THE ASSEMBLY HALL OF A NEIGHBORHOOD PUBLIC SCHOOL

allowing the element of human sympathetic understanding to overrule the conclusions brought about by the application of imperfect laws and imperfect public thinking.

An instance of the kind of attacks made on the Governor in this connection is one that charged him with granting ninety-two commutations of sentence or pardons in the year ending October 31, 1925. The Governor replied that only nine persons among these were actually in prison. The others had gone back into community life. After a term in prison the offender is deprived of his citizenship rights unless they are restored by pardon of the Governor. Commutation or shortening of sentence does not necessarily carry pardon with it. In every single instance the commutation was granted only when the judge or the district attorney recommended that it should be granted, except in certain instances when the prison physician made the recommendations. As for pardons or restorations to citizenship, the Governor stated with emotion that when a man had long since completed a term of imprisonment, and had shown his willingness and ability to live a moral and self-supporting life, he would not refuse such a man a pardon which would enable him to strengthen his self-respect by being granted full citizenship.

In his annual message of 1924, he said:

"In our administration of prisons I think it is safe to say that the attitude of the State should not be one of seeking vengeance. No man after offending against so-

ciety should be kept merely in restraint. We should strive rather to rehabilitate. The State should put it in his power, if his will is properly directed, to become again a useful member of society."

During his first term he had said at the convention of the American Prison Association:

"I can think of nothing which is so deadly, nothing which will so tear down the spirit, nothing which will so sap up a man's energy and ambition as confinement in enforced idleness. If we have no other idea in mind except the question of punishment, then that is one thing; but if, on the other hand, the State is interested in returning the men or the women to society as useful citizens, it will never be able to do it unless during that period of confinement their thoughts and their minds are occupied by what they will be able to do in life and to appreciate what work means, what satisfaction it brings to a person at the close of a day to say, 'Here is what I have accomplished today.'

"I received the shock of my life when I went to a reformatory in this State. I thought it was a place to send the young man whom we did not want to mingle with the hardened criminals. I thought it was a place where we could send a young man to let him feel a little charity of the State, the goodness of the State, let him feel that the State had a real heart and did not want to send him to prison. When I went into that reformatory to look over the cell block system, with the single door locking

at night, the cramped-up cell, the open toilet alongside the bed, I said, 'This is not a reformatory except in name. What is there about this that is different from a prison, and why raise a false hope in the heart of a young first offender by making him believe he is going to a reformatory, when he is going into a regular prison?' . . .

"I am coming to another subject, the earnings of the prisoner while in confinement. I feel strongly on that subject. It has been my experience, not only since I have been Governor, but all the years I was in the Legislature, that the real sufferers as a result of a prison sentence are the dependent members of the prisoner's family. I do not think it is a question that admits of any discussion. The prisoner is taken over by the State, supported, fed, and clothed; and his children, if he has any—and unfortunately a great many of them have—and his wife are thrown upon the mercy of friends and relatives or else become public charges. The most pitiable cases one can listen to are constantly brought to the attention of the Governor, actual want and actual starvation, as the result of the breadwinner being locked up in the State prison. In some instances it is unfair to the State to hold a man in prison when the children are in want; it is unfair to society to let him out. In a great many instances the man is where he belongs but that does not take from the State the obligation to do something for the man's wife and children while he is in prison."

He utilized to the full the recommendations made by

a special commission appointed by the Superintendent of Prisons during his first term. George W. Alger was counsel to this group. As a result of its work, the system of prison industries and better payment for prisoners' work was ordered during the second year of Governor Miller's term, and encouraged and extended by Smith when he returned to office.

The Governor did not leave these ideas hanging in the air. In his annual message of 1925 he recommended compensation for prisoners injured in industry, and compensation to their dependents when they are killed. He has ideas that go even further in the direction of freeing prisoners from evil influence and subjecting them to reconstructive influence, but he can do nothing now. On account of the spectacular crimes connected with automobiles and firearms, the public mind is running mainly in the direction of punishment.

Although the Governor rather likes to throw out jokes at the pomposity and intricacy of some legal language and procedure, he studies the law hard. One day the two authors of this book were talking with him. It was the day after the dinner in which some of the leaders in the campaign of 1926 were together to reminisce and have a good time. The Governor, speaking informally, mentioned a provision regarding the qualification of judges as being in the constitution. Several eminent judges at the dinner, speaking of this statement, said to one another that at last the Governor had made a slip on a

question of fact, as the provision regarding qualifications of judges was in a statute, not in the constitution.

"I won twenty-five dollars on you last night," said one of the authors to the Governor. The Governor looked mildly interested. The author referred to this statement of the judges and went on:

"I knew nothing about it, but I bet twenty-five dollars you were right. We looked up the constitution and found the provision. The reason the judges made the mistake was that they were more accustomed to looking up the qualifications in a statute, and they simply assumed that they were not also stated in the constitution."

The Governor made no comment except this: "I am not likely to forget things."

We make no pretense of having covered all the departments of the work of such a huge business organization as the State of New York. If we have made a mistake, however, it is more likely to have been in endeavoring to tell too much than in telling too little. We have intended to tell nothing that did not illustrate Governor Smith's unusual mastery of the innumerable branches of the huge business corporation of which he is president; or else illustrate the human services which, in his opinion, that huge corporation exists to perform.

Many times in the course of this story we have met the same difficulty. If Governor Smith were merely an outstanding liberal, ably presenting general ideals, the task would be an easier one. Since the very foundation of his

strength is that he finds ways of putting liberalism into working machinery all along the line of the business of a great modern State, we are faced both with the multitude of tasks and accomplishments, and with their intricacy. The reader whose attention we have kept with us thus far will, we hope, be unable to answer this question should he meet it: whether Governor Smith is more remarkable for his conception of what a government ought to be, or for his ability to carry out that conception. One is as necessary and as important as the other. His strength is founded on the combination, and it is this solidly based strength that has now made him not only a distinguished statesman at home, but a figure of interest to the whole nation.

Chapter IX

FACING THE NATION

No governor of New York can show high intellectual and executive ability, honesty, independence, and vote-getting power without becoming a national figure. The nation outside of New York began to take some interest in Smith when he ran over 1,000,000 votes ahead of his ticket in 1920. This interest was increased when he went back to Albany in 1922. It expressed itself in a bitter fight in the Democratic National Convention in 1924. It then probably receded a little for a short time, returning with great force after the spectacular victory in 1926. This victory in 1926 coincided with increasing disillusion about the wisdom of trying to handle drink through the national constitution, and with the failure of William G. McAdoo, the outstanding political leader among those forces opposed to Smith, either to dramatize some new issue or to express himself convincingly on the question of constitutional prohibition as opposed to independent action by the separate States.

Smith in 1924 was not unfamiliar with national conventions. He had been a delegate to Baltimore, St. Louis, and San Francisco. In fact, the national conventions offered him his few opportunities to see the country.

He was quiet at these early conventions. He had not grown strong enough to take a prominent part and he had no course but to follow the leader.

At San Francisco in 1920, he had a complimentary vote from the convention. The speech putting him in nomination was delivered by New York's foremost orator, Bourke Cockran. Cockran loved Smith and hoped to be the one to nominate him as a serious candidate in 1924, but he died in January, 1923. Smith had a deep affection for Cockran, and a great admiration of his power as an orator. They spent many hours together, the older man pouring out his store of knowledge and advice, the young man listening, absorbing, and enjoying.

It was at the San Francisco Convention that a song, now closely identified with the Governor, was first played in a national convention. After Smith had been put in nomination, the band played "East Side, West Side." The composer, Thomas Lawlor, was a member of the old vaudeville team of Thornton and Lawlor. When the song became popular after the convention Lawlor, then an old man and blind, was photographed with Smith and promptly returned to the vaudeville stage.

In the New York convention of 1924 one of the authors of this biography had a personal interview with Bryan. Introducing himself, he said: "Mr. Bryan, when I was a young man, in 1896, you were my idol, because I felt you were introducing social questions in American politics. I worked for you then, and later, because I felt

you were leading the progressive forces of the country. I am for Smith with the same enthusiasm, because he is the outstanding progressive candidate, and I do not see why you, a progressive, should not support him. You, if any man in this convention, should be on Smith's side." Bryan replied coldly and curtly, "I am opposed to Smith, not because he is a progressive, but because he is a wet," and turned his back.

It is not easy to say whether the convention of 1924 helped Smith or hurt him. Murphy had died recently and the Tammany forces were temporarily conducted by a triumvirate. Before his death Murphy had agreed with the effort being led by the New York *World* to bring the convention to New York City. Smith was not himself certain that it was a good policy, but it was a delicate situation, as he personally was so much concerned, and he was willing to be guided. Murphy's intention was to conduct the campaign himself quietly but to let the open leadership go to western Democrats—notably Brennan of Illinois—and to Norman Mack, national committeeman from New York. It seems clear enough at this distance that Smith's doubts were well founded, and many of his supporters wrong, in their desire to bring the delegates to a place where Smith's popularity and charm could be dramatized.

The convention was held in Madison Square Garden, an enormous place. Whether or not their feeling was justified, the delegates representing the West and South, and

the Protestant and dry elements, were decidedly offended by what happened in the great city. They believed the outbursts in the convention in favor of Smith to be, in large part, made possible by the control of admissions by forces friendly to the Governor. The fight, however, served to make the whole country more familiar with the Governor's name, and thereby to prepare it, at least, to listen to evidence of his strength, as such evidence has drifted across the country from time to time.

The case for Governor Smith was admirably put forth by Franklin D. Roosevelt when he placed the Governor's name in nomination.

That this aristocratic and cultivated man was the leader of the Smith forces is worthy of a moment's pause. Roosevelt, back in 1911, was leading a group of Democrats in the Legislature who were in revolt against dictation from Fourteenth Street. Murphy's candidate for the United States Senate was popularly known as Blue-Eyed Billy Sheehan. He was a successful corporation lawyer and one of the pillars of the organization. Murphy felt strongly and put all his force behind Sheehan's candidacy. The Roosevelt insurgents won. Among those who worked hard for Sheehan was Alfred E. Smith. The spectacle of Roosevelt, disinterested, eloquent, and trusted by everybody, rising to extol the merits of the Governor, measured the distance from 1911 to 1924. It measures the development of Alfred Smith, but it measures also an increasing under-

standing by others of the man who was undertaking to drag his party along with him, instead of merely protesting from outside the breastworks.

Roosevelt had been the candidate for Vice-President when Cox was candidate for President in 1920. He was an extremely sympathetic figure as he took his position in the rostrum, helped up to that height by two attendants. An attack of illness had taken away the use of his limbs, but had left his mind at its best. He spoke with gentleness, refinement, and moderation, and it was not infrequently said that, if his bodily condition had been different, he himself would probably have been the compromise candidate. Near the opening of the address he said: "On our Governor for over twenty years in public office the white light of publicity has pitilessly beaten, and revealed only spotless integrity." Going along to discuss the shortcomings of the Federal government, he denied that there was any reason why public business should not approach the efficiency of private business, and he said: "Here in this State, through the leadership of this governor, governmental efficiency has so increased that the executives of other States have done us the honor of seeking to copy our model. He was a pioneer for the budget system. He was a pioneer in the reorganization and simplification of governmental departments. Through it all he has held up and strengthened the system of promotion in the government service for merit only, and the appointment to public office of men and women preëminently qualified

for their tasks. Because of his ideals and methods of government, he has won not only the undivided support of his own party but the public endorsement of great civic non-partisan bodies of the city and State."

On his record as a person trusted by his own State, Mr. Roosevelt said: "He has been elected to office seventeen times. Chosen Governor of this State first in 1918, he suffered the only defeat of his long career in 1920. But it was a defeat more glorious than victory. When our national ticket in the State of New York went down to defeat under a plurality of 1,100,000 votes, he lost this State by only 74,000. He got 1,000,000 votes more than I did—and I take off my hat to him! Over 500,000 people who voted the Republican national ticket split their ballots to testify their undying confidence in this Democratic governor; and in 1922, when men came again to think clearly and to reason sanely, when the black clouds of group hatred had been swept away, when sordid appeals to class and race had lost their evil spell, the people of this State rose again in their might and reëlected him Governor by a plurality of 384,945, the largest plurality ever given any candidate for governor in the history of the United States."

In that convention there was exposed flagrantly the lack of unity in the Democratic party. There is a certain lack of unity in the Republican party, also, but it is not sufficient to prevent general effective action in nominating conventions and in elections. The agrarian, or so-called

progressive, wing of the Republican party seldom makes much trouble in election years. The party has no trouble with the religious question. While it has its wet elements, they have not been strong enough to create any such situation as has been created among the Democrats. Beginning with Andrew Jackson, the Democrats usually elected their presidents. Since the Civil War, on the other hand, the Republican predominance has been overwhelming. Grover Cleveland won two elections with the tariff as his main issue. Samuel J. Tilden, in the general opinion of historians today, was elected in 1876, although counted out. There was no test in 1912, because Theodore Roosevelt split the Republicans into two camps. There was no real test in 1916, because we were in the middle of a world war, and Wilson got through by a few electoral votes on the slogan, "He kept us out of war," no attention whatever being paid by the voters to the brilliant constructive record of his first administration. 1920 had shown a terrific swing back to Republican preponderance.

As the delegates in Madison Square Garden discussed the general weakness of their party, and its best hope of revival, they had something else to consider also. Another convention was about to open in Cleveland. Indeed as things turned out, it opened before the Democratic convention was able to bring its controversy to a close. This was the convention of Republican progressives, moderate Socialists and a few progressive Democrats, to nominate Senator Robert M. LaFollette and run him independently

for the presidency. LaFollette polled over 4,500,000 votes. If the election had been held early in September, he would have polled more. There was an agricultural revival just in time to help the Republicans in the Northwest. The specific issues under the banner of which LaFollette undertook to marshal the liberal thought of the country—an attack on the Supreme Court and a demand for government ownership of railways—received no general favorable response.

When the LaFollette forces got together in Cleveland, the leaders were frankly in doubt what they ought to do if either McAdoo or Smith should be nominated. They looked upon them both as having liberal strength. They believed, however, that neither would be nominated, and that they would be able to say, when the nomination was made, that there was no essential difference in social outlook between President Coolidge and the Democratic nominee. This turned out to be the case.

Mr. McAdoo received on the first ballot 431½ votes, and his largest vote, 530, was with the sixty-ninth ballot. Smith received on the first ballot 241 votes; his highest vote of 368 was on the seventy-sixth ballot. John W. Davis was nominated on the one-hundred-and-third ballot.

Smith's strength in the convention came from the big cities, and from those State machines that were dominated by the big cities. The rural regions of the Middle West, Far West, and South were dry and Protestant. The out-

come looked inevitable from the first. Each side hung on in the hope of tiring the other. Offers to withdraw by one or the other of the two leading contestants were put out, but when explained, with all their conditions, they had little meaning. In the end, the disgusted Convention, having spent more time and more money in New York City than it had cared to spend, and with absolutely no hope of victory, nominated one of the ablest and most high-minded figures in its party, who could not possibly represent the Democratic party as something in any essential and important way different from the Republican party. The result was that Coolidge was elected by the largest plurality ever received.

It was after the nomination of Davis that Smith made his speech at the convention. Although he had foreseen the result, he could not help feeling hurt, because he was convinced in his heart that what had prevented his nomination was his religion. He had never had any bigotry himself. Through the whole of his career, he has been as fair and as friendly to Protestants and Jews as he has to Catholics, but he saw with tragic clearness that no such tolerance existed in the Protestant majority of the United States.

Smith hates to make a speech when he has nothing to say. All his life he has been fighting away from the kind of speeches that are made on the Fourth of July or on St. Patrick's Day. He is no master of noisy commonplaces. The larger and more pressing his subject, the more favor-

ably does he appear. Therefore, when he stepped up in the rostrum beside the chairman, Senator Thomas J. Walsh of Montana, and undertook to show his good will to the convention, the delegates saw nothing of the Smith whose strength is ever increasing because of the amount of work he has done, and done with success, and they did not even see the Smith who charms those who come close enough to get his human quality. They simply saw a tired man, who had just been made the victim of his simple faith; and who had nothing to say about it. Feeling it necessary to make a statement of his record in New York he made it sound egotistic, a remarkable occurrence, since almost always he takes but moderate credit for himself and gives much to his party. The most that can be said for this speech is that it was marked by the strain under which he suffered and that for once in his political career of twenty years he did not rise to the occasion. Its redeeming feature was his assertion of State leadership and his call to his followers to support loyally the nominees of the convention.

While we admit that Smith's speech at this critical point did not hit the mark, and also that his emotions probably were less serene than usual, it is only fair to say that even in these trying days his temper kept most of its attractiveness in his way of meeting the unpromising situation. At one point he had a personal conversation with McAdoo about the possibility of their both withdrawing. When he came back to his hotel and met his principal backers they,

Courtesy of Wide World Photos

THE FIRST MEETING OF THE NEW YORK STATE CABINET ESTABLISHED BY THE REORGANIZED GOVERNMENT. THE EXECUTIVE CHAMBER, ALBANY, FEBRUARY 9, 1927

Courtesy of Wide World Photos

GOVERNOR AND MRS. ALFRED E. SMITH

of course, were eager to know what had happened. Among the questions asked was one about when the break was likely to come. For the answer Smith sang a line from "Kathleen Mavourneen"—"It may be for years, and it may be forever."

Gradually, since the drama in Madison Square Garden, the disaster in November to the party, and Smith's marvelous record in the same November, the other forty-seven States have settled down to make a closer estimate of the New York Governor. The hostile questions asked about him on the whole are two:

1. What would be the effect on his own administration, and thereafter, of having a Catholic in the White House?

2. Exactly what is his conception of the right way to handle the liquor evil?

No responsible person can be found in the whole state of New York who can charge that the Governor has favored Catholics. Plenty of Catholics, on the other hand, can be found who feel that he has not given them an even chance in his higher appointments. There is no doubt whatever that he has sought to bring his own administration into the highest state of efficiency by ignoring religion and racial differences, on the same ground that he has sought to ignore party differences in his appointments. If his cabinet contains thirteen Protestants, one Jew, and two Catholics, it is not because he preferred to have it balanced that way. It is for the same reason that it con-

tains a number of Republicans. It is because in every case he selected the person who, in his opinion, would best do the work.

No one can travel much in certain parts of the country, and particularly in small places, without realizing that religion has its bigots to-day as it did in the days when Thomas Jefferson was the leading statesman opposing such bigotry. The Democratic party still supposes itself to be the party of Jefferson. That statesman lived to be an old man. Before he died he wrote out the inscription he wished to stand over his grave. He did not mention the fact that he had been minister to France; or that he had been secretary of state; or that he had been governor of Virginia; or that he had been vice-president of the United States; or that he had been twice president of the United States. All he thought important enough to mention was that he had founded the University of Virginia, and that he had been the author of the Declaration of Independence and of the Virginia statute guaranteeing religious liberty.

Fortunately, this unworthy issue was brought to a sharp focus in the spring of 1927, when the *Atlantic Monthly* published an article in its March issue from a New York lawyer, Charles R. Marshall, who is a high church Episcopalian, much troubled about doctrinal matters, and often inclined to feel that he himself would go over to the Catholic Church if he were convinced on the matter of temporal power. He contributed to the *Atlantic* an ener-

getic demand that Smith make himself clear on temporal power, and he showed much learning, and quoted from many encyclicals. Smith had never heard of an encyclical. We have seen the altar boy, and know that he was grateful to his church for the simple morality he had learned. No temptation would make him hide his religion. He knows what good it has brought to him, and he knows it has never shaded his politics.

He has refused steadily to distract attention from his work as governor by going around the country campaigning for the presidency. His friends in different states and his friends in Tammany Hall have urged him to do so. That is not the way his mind works. It has been the habit of a lifetime to plow the furrow in front of him and not to get off on theoretical discussions connected with no work in hand. Happily, he felt he could answer Marshall without departing from his policy. He could not discuss the presidency, consistently with the position he was taking, but he could answer the assault on him as a loyal American and the governor of a State.

As he had never paid any attention to the elaborate logic of the theologians, he had nothing but an instinct on that subject, and said so. On the abstract doctrinal points he confessed his complete ignorance, although he stated his instinctive disbelief that his church made any claims inconsistent with the duty of an American citizen. He invited a Catholic priest, Rev. Francis P. Duffy, with a very distinguished war record, to furnish an answer to

this part of Marshall's attack, and then he summed up at the end with a personal statement of his own religious and political faith.

At the time the article was written, the most acute test in the mind of the public was Mexico. It was mentioned as a test by Marshall. The Socialist government of Mexico was in a sharp controversy with the Catholic Church. There had been atrocities, and these atrocities had been exploited in the American press. Various forces were urging President Coolidge to intervene in one manner or another. Among those forces were persons who had economic and financial interests in Mexico. Others were merely pillars of society, who thought it nonsense to allow such goings-on. Others were American Catholics, who felt the church was being persecuted. The Catholic desire for a strong policy was made articulate by the Knights of Columbus and by many Catholic papers. When, therefore, in his reply, Smith definitely took up the question of our right of intervention in the affairs of foreign countries, he took up the sharpest issue that at the moment existed. In doing so, he used language which committed him, with no attempt at evasion, not only on our relation to Mexico, but (in the opinion of those who were watching him closely) on the whole question of financial imperialism in the western hemisphere. He said:

"My personal attitude, wholly consistent with that of my Church, is that I believe in peace on earth, good will to men, and that no country has a right to interfere in

the internal affairs of any other country. I recognize the right of no church to ask armed intervention by this country in the affairs of another, merely for the defense of the rights of a church. But I do recognize the propriety of Church action to request the good offices of this country to help the oppressed of any land, as those good offices have been so often used for the protection of Protestant missionaries in the Orient and the persecuted Jews of eastern Europe."

The last part of his *Atlantic Monthly* letter was as follows:

"I summarize my creed as an American Catholic. I believe in the worship of God according to the faith and practice of the Roman Catholic Church. I recognize no power in the institutions of my Church to interfere with the operations of the Constitution of the United States or the enforcement of the law of the land. I believe in absolute freedom of conscience for all men and in equality of all churches, all sects, and all beliefs before the law as a matter of right and not as a matter of favor. I believe in the absolute separation of Church and State and in the strict enforcement of the provisions of the Constitution that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. I believe that no tribunal of any church has any power to make any decree of any force in the law of the land, other than to establish the status of its own communicants within its own church. I believe in the support of the

public school as one of the corner stones of American liberty. I believe in the right of every parent to choose whether his child shall be educated in the public school or in a religious school supported by those of his own faith. I believe in the principle of non-interference by this country in the internal affairs of other nations and that we should stand steadfastly against any such interference by whomsoever it may be urged. And I believe in the common brotherhood of man under the common fatherhood of God.

"In this spirit I join with fellow Americans of all creeds in a fervent prayer that never again in this land will any public servant be challenged because of his faith in which he has tried to walk humbly with his God."

Anti-Catholic organizations have never ceased to search Smith's record in the hope of finding some one case in his activities of a quarter of a century that reflects the interests of his church. There can scarcely be a more complete proof of his independence than the fact that all these researches have turned up exactly one charge, and that charge could be made only by totally suppressing a necessary part of the story. It has been frequently used, the last time by an organization that calls itself the Sons and Daughters of Washington, and exists for the sole purpose of attacking the Catholics. A pamphlet put out by this organization in the spring of 1927 goes back to 1915. Smith did introduce a resolution in the Committee on Education of the Constitutional Convention, taking out of

the constitution the clause which prohibits the State from making appropriations for denominational schools, but he never pressed it, and he explained at the time that it was introduced for the purpose of killing another resolution introduced by James L. Nixon, editor of the *Buffalo Commercial*. This resolution would have done away with all tax exemption except in the case of State or Federal property. It would have included among taxable property all real estate owned by churches and charitable and educational organizations. It is true that the Catholic Church would have suffered by such a resolution, perhaps more than any other Church, and to that extent Smith may be said this one time to have represented the interests of his Church, although it is obviously true also that he represented the general policy of the State, and the general opinion of the public. As a matter of fact, the Governor's resolution never came before the Convention and is not in the record. It died in committee in this way. When Gen. Wickersham heard of its introduction in the committee he said to Smith, "This resolution will split the Convention wide open." Smith looked at him calmly and said, "That is just what it is intended for. General, you have never been a legislator, have you?" "No," replied the General. "Well," said Smith, "this is a little bit of legislative tactics. This amendment is what is known as a 'bludgeon.' If the Nixon amendment goes through, I throw this bludgeon into the Convention." "You don't expect this amendment of Nixon's to pass, do you?" asked the General. "I don't

know what is going to happen," said Smith. "I am merely a member of the minority. Of course, if the amendment does not pass, my bludgeon will not need to be used." The amendment did not pass, and, indeed, when the matter got before the Convention, it was Nixon himself who introduced an amendment under which the sites of churches and other religious edifices, with the necessary approaches, were eligible for exemption. Even with this amendment, the Convention refused to adopt the plan. The bludgeon rested in committee, unused. The fact that the whole story is omitted from the anti-Catholic pamphlet circulated against Smith is a rather eloquent indication of the difficulty the fanatics have in finding any material in the Governor's life with which to feed their fanaticism.

Oscar S. Straus, former ambassador to Turkey and the only Jewish member of President Roosevelt's cabinet, told one of the writers that, as a practical rule, a Jew had to deliver eighteen ounces to the pound. The remark implied, of course, that under the handicap of prejudice, the right kind of person feels the obligation to do better than a member of the majority has to do to accomplish the same result. The only political effect of his religion on Smith has been to give him this added incentive.

Three-quarters of a century ago there raged a similar disease of religious intolerance. At that time, the Democratic party was nearer Jefferson than it is today. In its platform of 1856 it said of the Know Nothing Party,

which was the anti-Catholic organization of the time: "A political crusade in the nineteenth century, and in the United States of America, against Catholics and foreign born, is neither justified by the past history nor the future prospects of the country, nor in unison with the spirit of toleration and enlightened freedom which peculiarly distinguishes the American system of popular government."

Smith himself, on the few occasions when he has felt compelled to mention this subject, has expressed himself with the same dignity and moderation shown in this article in the *Atlantic Monthly*. Speaking at Syracuse on October 21, 1924, he said:

"After my speech last night in Ithaca was concluded a fiery cross was seen burning on what is called West Hill. In the very center of education and culture, in a territory that harbors a great university of the State, the spirit of bigotry and intolerance appeared upon the horizon.

"Several weeks ago I read in the newspaper of a Klan christening, and the details showed that the baby was held against the sheeted breast of a Klansman. A minister of the gospel arrayed in the regalia of the Klan pronounced the ritual. Here was a disciple of the Christ of love and peace, breathing into the heart and soul of an infant child the spirit of hate and war, dedicating the infant to a hatred of millions of its fellow men, and doing it in the name of Christ.

"To my mind the whole movement is out of line with

the spirit of our free institutions; it is so out of tune with the history and purposes of this country; it is so abhorrent to intelligent thinking Americans of all denominations, that it must in time fall to the ground of its own weight.

"The Catholics of the country can stand it, the Jews can stand it; our citizens born under foreign skies can stand it; the negro can stand it; but the United States of America cannot stand it; nor can they countenance a policy of silence in regard to it on the part of the man who has a special commission to speak for the heart and conscience of the American people."

The crusade against Smith on account of his religion frequently takes the form of vague charges about control of education by the Church. What Smith has done for education has been sufficiently covered. All that is relevant at the present moment is to give his answer to this specific charge. Speaking at Syracuse on October 21, 1924, he was answering the Republican candidate for the governorship. After presenting the documentary evidence, Colonel Theodore Roosevelt next charged Smith with wishing to bring under political control the State Department of Education by taking the appointment of the Commissioner of Education away from the Board of Regents and placing it in the hands of the governor. He had based his charge on an incident long ago exploded. The incident grew out of a misprint in the proposed constitutional amendment reorganizing the State departments. Smith had in his possession two letters—one from the

Secretary of the Citizens' Union, and one from the Secretary of the New York State Association, thoroughly exposing the error. After stating these facts he proceeded: "Up to this moment I presume that Colonel Roosevelt made the statement to which I have referred, not of his own knowledge, but as the result of misinformation handed to him by somebody in the Republican Press Bureau. I hope that after this explanation Mr. Roosevelt will be fair enough not to repeat the statement and that during the rest of his campaign he will cease to speak about any attempt, either on my part, or on the part of the Democratic Party, to get control of the Department of Education, because he cannot after this explanation truthfully make that statement. It is unfortunate that he has made it so far without having looked up all the facts in connection with it. There can be no doubt that statements of this kind, coming from the accredited leader of a great political party, feed the fires of religious and racial bigotry. Just such arguments as political control of education are the ones used to promote membership in a secret order, that has for its object the curtailment of equality of opportunity to certain groups of our people, because of their race, religion or color."

"I refer you to the *New York Times* in an editorial of October 3, 1924, that cites the whole record and closes with this sentence: 'The public schools have had no better friend at Albany than Alfred E. Smith.' I believe that article was written by Dr. John H. Finley, former com-

missioner of education. If it was not, I know that it expresses his sentiments."

That leaves us one more large and difficult question precipitated beyond the State and into the nation. If left entirely free, Smith would have paid less attention to the liquor question than he was forced to pay.

The people of the United States, in his opinion, made a mistake when they interfered with the course of history that was rapidly reducing the liquor evil in the United States, partly by regulation, such as local public opinion might favor, and partly by changing habits, due to education, to the need of sobriety in running high-powered machinery, and to a general interest in the rising standard of living. "The gulf between one element of the party and me," the Governor once said in conversation, "is that the radical dry element looks upon drink as a moral question. I look upon it as an economic question. It was solving itself. Now that the amendment has been passed the only practical way of improving the situation in this State would be for us to have the privilege of putting lighter drinks on our side in an attempt to destroy the habit of strong drink. If it were possible for us to permit light wine and beer it would be easier to concentrate against strong drinks. Probably, though not certainly, we could win the fight against them even in the State of New York under these conditions. If we did, a generation would grow up that either did not drink at all or took only the lighter drinks, and when that time came we

could decide two questions: first, whether we cared to go on and abolish also the lighter drinks; second, whether such a step had become possible."

Smith is essentially a man who knows where his job begins and where it ends. Nobody knows better than he what a small part will be played in the long run in the decision of this matter by any governor or any president. Liquor was brought most sharply into New York politics when the Legislature decided to repeal the special State enforcement law called the Mullan-Gage Act. Smith believed the Republican leaders wished to put him in a quandary. The day after the vote the Governor was coming out of his hotel in New York. He met an intimate friend. He was discouraged to a degree that has seldom happened to him. "They have me down and out," he said. He meant that whichever course he took he would arouse so much anger that the injury to his political strength would be serious.

"I do not know," his friend replied. "It is possible they have given you a great opportunity, provided you decide rightly what to do."

"What do you think I ought to do?" said the Governor.

"I think you ought to veto the repeal," said his friend.

"You come back in a week and tell me what you think then."

His friend came back in a week, and he opened the conversation with this statement: "I have changed my mind."

"It's a good thing you have," said the Governor. "If you had not, I would have changed it for you. There is only one thing I can do, and that is to be exactly what I am. I believe in enforcing the law, and I believe in personal liberty. I could have made a better-looking case by vetoing the repeal and talking about enforcement, but in my heart I believe the degree to which personal liberty is being interfered with in this matter is unwise, and I am going to take a position consistent with what I believe in my heart."

In the course of the discussion some one suggested that if he vetoed the repeal he would help himself nationally. He turned quickly and with sincere emphasis said, "I hope that as long as I live I'll never do anything because it may help me to preferment or place, rather than because it is what I believe to be right."

Having thus revealed clearly what position was true to his inner voice, after the tension of his decision was over, he did a characteristic thing. The discussion had lasted till long past midnight. He swung around on his heel and burst into song, which was the first time that particular song had ever been heard by his visitor. The song was "Yes, We Have No Bananas."

The refusal of the Governor to interfere with the repeal certainly meant no failure to recognize the facts as they might develop. When the Supreme Court of the United States decided that the States are under an obligation to help carry out the Volstead Act, Governor Smith

was repeatedly emphatic in his orders to officials to carry out that duty. He believes the enforcement of the Volstead Act by the State officials has been more successful than the enforcement by local officials or by Federal agents, and that it has been as successful as it can be under the hostile condition of public opinion.

Before the amendment was passed he had predicted to representatives of the breweries that if the liquor people did not clean up their business some violent action would be taken by the community. He has been quoted as having said on one occasion something pleasant about the old brass rail. He did make a flitting joke to that effect. It was one of those light remarks our public men, especially those who best understand the press, continually make among newspaper men, without fear of being misrepresented. This particular remark, however, was unfairly used, and Smith later took occasion to clear it up. In a letter to Senator Fess of Ohio, he said:

"You may have noticed recently in the papers a statement coming from me about bar-rails. I think that on my record you will join with the people who know me well, and do me the credit of believing that I have enough common sense and experience of life to understand that the saloon is and ought to be a defunct institution in this country. In an informal meeting with the newspaper men, after several facetious remarks had been made about the promised introduction of a 3 per cent. beer bill, I joined with the reporters themselves in joking about it, and took

occasion myself to speak facetiously of the bar-rail. My remark was intended for gentlemen with a sense of humor. . . ."

What Smith frequently does say, and seriously mean, is that the saloon evil cannot be allowed to come back, but that, in choosing ways to get rid of it or its substitutes, it is unfortunate to leave government by public opinion out of account.

In 1926 he said: "Aside from any other consideration, it goes without saying that modification of the Volstead Act is an issue. This Referendum presents to the people of the State of New York their very first opportunity to express themselves upon that issue. The Democratic party, faithful to its pledges, consistent with its record, honest, sincere and above board in all of its dealings with the people of the State, asks that they vote 'Yes' on the question contained in the Referendum.

"I do not believe any one questions my leadership of the Democratic party, and I advise the Democrats and all who are in sympathy with their aims and purposes to vote 'Yes' in order to indicate that they favor a modification of the Volstead Act.

"The Eighteenth Amendment to the Federal Constitution was ratified by the Legislature of this State at the session of 1919. In 1920 the same Senate and an Assembly presided over and directed by the same leaders enacted the so-called 2.75 per cent. beer and wine bill. This bill I approved. It was afterwards held unconstitu-

tional and the United States Supreme Court declared in rendering its decision that the word 'concurrent' in the Eighteenth Amendment referred only to concurrence in legislation which Congress passed to execute the provisions of the Eighteenth Amendment and did not permit the States to adopt a definition of an intoxicating beverage as one containing not more than one-half of one per cent. of alcohol.

"In 1922 the Democratic State Convention inserted in its platform a plank favoring an amendment to the Volstead Act which would permit the States under certain restrictions and after popular referendum to permit traffic in light wines and beer not regarded as intoxicating beverages. That platform and the candidates who ran upon it received the overwhelming support of the people of this State toward this question. Nevertheless, it is a fact that the Eighteenth Amendment is the law of the land and no one suggests, least of all the Legislature of this State or myself, that it should be violated.

"In 1921 there was enacted in this State what has come to be known as the Mullan-Gage Law. It put into the penal statutes substantially all of the provisions of the Volstead Act but accompanies them by even more rigorous provisions as to search and seizure.

"I make no criticism of this action on the part of the Legislature, but I am entirely unwilling to admit the contention that there was put upon the State either by the Eighteenth Amendment, the Volstead Act, or the United

States Supreme Court decision, any obligation to pass any law adopting into the State law the provisions of the Volstead Act. . . .

"I am dealing with three classes of people, the radical drys, the radical wets, and those who hold moderate views on this subject. The drys seem to see a moral duty on the part of the State to maintain an enforcement act. They are undoubtedly led to this conclusion by their own frame of mind because they do not suggest that the State maintain an act merely enforcing the Eighteenth Amendment in accordance with the wishes of the majority of the people of the State, but they insist that there be a State enforcement act exactly paralleling the Volstead Act. . . .

"The mere omission to maintain a State statute in no way abrogates a Federal statute. It seems to me that this effectually disposes of the loose talk about the nullification of the Constitution by refusal on the part of any of the States to enact separate statutes.

"After repeal there will rest upon the peace officers of this State the sacred responsibility of sustaining the Volstead act with as much force and as much vigor as they would enforce any State law or local ordinance, and I shall expect the discharge of that duty in the fullest measure by every peace officer in the State. The only difference after repeal is that today the police officer may take the offender for prosecution to the State court, to the Federal court or to both. After the repeal of the Mullan-Gage

Law the prosecution must be where it belongs—in the Federal court. In law and in fact there is no more lawlessness in repealing the Mullan-Gage Law than there is in the failure of the State to pass statutes making it a State crime to violate any other Federal penal statute. . . .

"We have been taught that eternal vigilance is the price of liberty, and how far we may wander from the thoughts and ideals of the founders of our government is well illustrated by the suggestion in the President's letter that because the States have a larger police force than the Federal government has, and because the Federal government has at this time what the President describes as an inadequate machinery for the enforcement of the Volstead Act, therefore the States are obliged severally to enact statutes duplicating the Volstead Act. I am unable to understand from what source he believes this obligation to be derived and he does not disclose it. The President might, with equal force, suggest that at any time Congress in its wisdom saw fit to withhold adequate appropriation for the enforcement of any Federal law, that there immediately devolved a duty upon each State to enact that Federal law into a State statute.

"I am not here discussing the wisdom or unwisdom of prohibition. The question is rather whether all vestige of the rights of the States guaranteed by the Federal Constitution is to be driven from our political theory of government. With all respect for the President of the United States I must here reassert this principle against his chal-

lenge and as the Chief Executive of the greatest sovereignty in the Union, it is my duty to declare and maintain that sovereignty in exact accordance with the guarantees of the Constitution. The Federal government has no right to impose upon the State any obligation to pass any statute affirmatively embodying any Federal statute."

So much for the attitude of Smith in a predicament in which the American people ought never to have been put. The Constitution of the United States was created for a certain purpose. It was intended to define the relations between the new central government and the State governments, and also to define the relative powers of the Legislature, the executive and the judiciary. The first ten amendments added a general bill of rights which many thought should have been in the original document. As the Constitution dealt only with these fundamentals it was made very difficult to amend. Some of the States have taken up the custom of putting a large part of their ordinary laws into the constitution. The Eighteenth Amendment is the most flagrant example thus far of a successful attempt by a temporary majority to use the national Constitution for the passage of sumptuary legislation. It makes it impossible to treat the liquor situation as a matter of experience and experiment, as is being done in Sweden and Canada, for example. It commits all of the States, practically for all time, to the point of view of absolute prohibition. No matter how completely prohibition may fail in certain States, the possibility of changing the

amendment is extremely remote, because it cannot be done as long as one State more than one quarter of the whole, or thirteen States as things stand now, are against the repeal of the amendment. The intensely dry elements of the South and West will easily prevent any such change, for as far ahead as we can see.

In facing this most unsatisfactory issue politicians fall into three groups. Many take the position that the natural course is the strictest enforcement of the Volstead Act. Many seek various phrases for dodging the issue. The rest are those in favor of such modification as may be possible. That Smith belongs in the third group, he has never left any doubt.

We may leave this question of the Governor's relation to the country outside of New York with a few words from his inaugural address of January 2, 1927:

"I have no idea what the future has in store for me. Every one else in the United States has some notion about it except myself. No man would stand before this intelligent gathering and say that he was not receptive to the greatest position the world has to give to any one. But I can say this, that I will do nothing to achieve it, except to give to the people of the State the kind and character of service that will make me deserve it."

Chapter X

THE AGE AND THE MAN

THIS book began with the big new city and with little boys running around the docks. In the fifty years since Al Smith began to play in the streets, life has become faster and more crowded. In the metropolis a building is scarcely finished before it is obsolete. The city's sky line changes almost before one's eyes as the steel girders of the tall buildings leap high into the air. Problems of the future are created by swelling urban populations. Our hero has been the son of the city, but not of its accidents; not of the cabarets of Broadway, but rather of the loves and hopes of fathers and mothers measured in millions; not of its surface changes, but of its continuing needs.

Perhaps the leaders who are to rise from the new city streets will philosophize less than Jefferson and Lincoln. We do not know. They may concentrate on building for a mechanical age. They may be of the big business type. Happy the public if it is able to discover in sufficient numbers leaders in whom intentness, memory, and resourcefulness fit them for the complex modern task, while at the same time their souls remain sympathetic and free. It may be that on the whole the expert builder tends to be a political aristocrat, like the city leader, Alexander

Hamilton. Not infrequently the spokesman of liberty has come from the open spaces, like the countryman, Thomas Jefferson. It is of interest to our story, however, that the most expert of modern governors, the most remarkable example of skilled business in public office, has been a man who has stood passionately for freedom as it was understood by Jefferson. It is not impossible that the sense of human justice, warm within him, may be part of that heritage which came to him from his contacts among the poor.

During the summer of 1927, the Governor, repeating an experience he had often had before, found it necessary to put some pressure on his organization to restrain its appetite for spoils, this time in connection with the bench. At the climax of that incident one of the authors of this book was sitting in a private room with a few successful lawyers. "Joe," he said to one of them, "of Smith's qualities, how would you sum up that one which seems to you the most important?"

The man was a Republican, but able to think outside of party lines. The answer came back swiftly. "If I had a situation," he said, "of special difficulty, both in its facts and in its elements of right and wrong, and if it meant much to me personally to have it justly solved, I would take my chances with Smith rather than with any other man in public life."

As we look back over political history in New York since the Civil War, only a few names emerge. Tilden

was a statesman. In a simpler era he was a notable governor, and he was a strong and fine exponent of the Jeffersonian tradition in the nation. Also still in a simpler era, Cleveland stood like a rock. His honesty, force of will, and administrative soundness were felt first in the State and later in the national capital. Roosevelt's energy, education, and appeal to the moral imagination showed themselves first when he was Police Commissioner in the big city, then when Governor, but much more powerfully on the larger stage. The first man who can be called a famous modern governor of New York, in the sense of dealing powerfully with State problems now confronting us, is Charles Evans Hughes. He had the intellectual outlook. His investigating talent went into matters of new and fundamental importance. He combined understanding and extraordinary industry with elevation of purpose. If he did not also make a contribution to the actual structure of government, except in the establishment of the Public Service Commissions, it was because his legal and business talents were not supplemented with that political instinct and that broad and simple human experience that have contributed a large part of Smith's power to cause things not only to be planned but also to be accomplished. While the significance of Smith would not exist without his genuine moral atmosphere, his special distinction is in a constructiveness not approached by his predecessors.

In this story there has not been much luck, any more

luck than on the average greets the deserving and struggling youth. It depends on what one thinks luck is. Conditions usually have their advantages and also their price. The existence of a Republican Legislature during Smith's terms as governor doubtless caused him to travel faster along the road that leads away from partisanship in the business affairs of the State. It caused him also to dig deeper into the principles involved, since it was on principle he had to fight. At the same time it kept him from adding water power and housing to the list of finished business. We cannot be precise in balancing these things. We may rejoice, however, in what we have, and rejoice decidedly in the need that drove the Governor to go over the heads of the politicians in a series of appeals to the people.

Or if we go back into his early life again, it would require a good deal of a dogmatist to put the advantages and the disadvantages into a scale and give the answer. Among the conditions of what we call poverty are many things which hold us back or help us forward, according to the spirit in which they are used. Few boys can expect better influences than Father Kean and the mother of Al Smith. Happily such good influences are widely distributed. The big city stands ready to shower gifts of that kind on those among the young who look for them with energy and patience.

Along with patience in the development both of the lovability and the strength of Smith has gone that sister

virtue, humility. If he, since Wilson, has been his party's foremost liberal, there has been plenty of caution with his liberalism. Constantly those who bring him new proposals meet rough treatment. He likes to give to each new idea the experience of running the gauntlet of all the hostile comments and questions he can think up. He has a fundamental modesty about the ability of his own mind, or any mind, to think out a plan that will work when put into operation, but once the difficulties have been honestly explored and the plan still looks sound, every ounce of his energy is then thrown into making the improvement a reality. This humility in the face of the universe is not the sad humility with which we are familiar in pioneers of lonely thought, but rather the humility that ought always to be found in the honest expert. It is like the humility of science, perhaps tinged a little with another kind of modesty growing out of his early circumstances.

Conceptions of education must broaden as vast numbers become the dictators of government. In this book we have not quoted from the boy of the streets anything more significant than his declaration that if you doubt the value of education, ask the man who has been deprived of it. Education is not exclusively in schools. We have seen that the campaigns of the Governor for the progress of society have been campaigns of modern education. A demagogue lies to the people. He makes them think they can get benefits at no cost. With the good old tool of ad-

dressing meetings, and with the powerful new tools of the newspapers and the radio, Smith has driven into the consciousness of millions, not the easy falsehoods of an agitator, but the truth that political proposals, leading directly into the lives of children, women, and men, must be studied both honestly and expertly.

This obviously places him in a different group from many excellent Democrats stretched along between Jackson and Bryan. It does not, however, make him less democratic than such men. Nothing is more essentially part of his fiber than his democracy, since everything he does is based on reaching public opinion, and endeavoring to win it, not with catchwords, but with simplified demonstrations of all necessary facts. If we remember what is meant by the words, and do not interpret them narrowly, it will be a correct conclusion to say that Smith has turned out to be the very type of executive needed for the successful conduct of modern business.

The world is always learning from examples. Smith's story should be a bracing influence. His progress up from the Fourth Ward takes its place among those epics that lend energy to youth. A politician at the beginning, and a politician now, he has shown that the equipment of a politician's shrewdness and experience, instead of leading a man astray, may be one of the most valuable weapons in the arsenal of a statesman. Not a prophet, in the sense of preaching a few doctrines of abstract righteousness, he has been a prophet in the sense of seeing the reciprocal

duties of State and citizen, and planning to have those duties, in both directions, carried out.

The poor do not ride free. Persistent energy for them is the price of a satisfactory life. Because he had talent, and also because he cared for other beings, the little boy from the wharves earned in the end such a vote of confidence from his State as it had granted to no one before him. This boy believed in the right and in the fitness of ordinary people to be their own masters. To the free institutions amid which he was born he has paid back his indebtedness. In the service of that liberty to which he attributes his own chance, he has gladly given the devotion of a lifetime, helping to render that liberty more fertile and also more secure.

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